SAN FRANCISCO PUBLIC LIBRARY
3 1223 06155 5778
SAN FRANCISCO PUBLIC LIBRARY
3 1223 06155 5679

5/S

San Francisco Public Library

GOVERNMENT INFORMATION CENTER
SAN FRANCISCO PUBLIC LIBRARY
CIVIC CENTER
SAN FRANCISCO, CALIFORNIA 94102

REFERENCE BOOK

Not to be taken from the Library

Digitized by the Internet Archive
in 2015

https://archive.org/details/minutes1994sanf_4

3 1223 06155 5778

3 1223 06155 5679

OFFICE OF
CHIEF ADMINISTRATIVE OFFICER

RUDOLF NOTHENBERG
CHIEF ADMINISTRATIVE OFFICER

289 CITY HALL
SAN FRANCISCO
CALIFORNIA 94102
415/554-4851

MEETING NOTICE

SUNSHINE ORDINANCE TASK FORCE

Wednesday, April 27, 1994 2:00 PM
Fox Plaza, 1390 Market Street, Room 230 (Mezzanine)

REVISED AGENDA

1. Welcome and Introductions: John Taylor, Clerk of the Board of Supervisors
2. Outline of Sunshine Ordinance: Randy Riddle, Deputy City Attorney
3. Discussion of Task Force's Work Program and schedule
4. Setting of agenda for next meeting
5. Setting of regular meeting times and dates
6. Public comment on items not on the agenda but within the subject matter jurisdiction of the Task Force

DOCUMENTS DEPT.

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

See reverse for Accessibility Information

SUNSHINE ORDINANCE TASK FORCE
ACCESSIBLE MEETING POLICY

1. Meetings will be held at Fox Plaza, 1390 Market Street, Room 230, Mezzanine, San Francisco, CA. The closes accessible BART Station is the Civic Center Station located at the intersection of Market, Hyde, and Grove Streets. Accessible MUNI lines serving the location are 42 Downtown Loop, 9 San Bruno and 7 Haight/Noriega. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center Station. For more information about MUNI accessible services call (415) 923-6142.

2. American sign language interpreters and/or a sound enhancement system will be available upon request at hearings. Please contact Violeta Mosuela at (415) 554-7704, at least 72 hours prior to hearing. Late requests will be honored if possible.

3. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accomodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accomodate these individuals.

4. Accessible curb side parking has been designated on the Larkin Street side of Fox Plaza for mobility impaired individuals. There is also accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

5. Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

SF
S88
2
1/27/94

SF

DOCUMENTS DEPT.
DEC 11 1995
SAN FRANCISCO
PUBLIC LIBRARY

Minutes

Sunshine Ordinance Task Force

First Meeting of Members

April 27,1994

Location: Fox Plaza Room 230, 1390 Market Street

Time: 4:00 p.m. to 6:00 p.m.

Attendees: Task Force Members: Bruce Brugmann, James Chaffee, Melinda Cuthbert, Sue Hestor, Elizabeth Pritzker, Enrique Ramirez, Josepeph Van Ness-Ballesteros, Byron McQuarters, Naomi Nishioka, and Kathy Perry

David Prowler, (CAO office) Randy Riddle, (City Attorney) John Taylor, (Clerk)

Members of the Public: Shelley Salieri, Landis Whistler, Larry Bush

1) Welcome and Introductions

The meeting was called to order by David Prowler, who invited Randy Riddle to explain the purpose and powers of the task force. The Sunshine Ordinance was presented in support of the Brown Act to help enforce this law. The task force was advised of specifics of the Sunshine Ordinance, which in particular addresses:

2) Outline of Sunshine Ordinance: Randy Riddle

*General Rule: All meetings shall be open to the public
*requirements on advisory bodies
*subject to passive meeting rules
*requirements for holding meetings in public and to have open meetings
*under the Sunshine Ordinance, meetings "occur" with a majority of members
*seriata meetings
*telephone polling
*retreats, seminars, are required to be open and subject to agenda and notices
*Public Notice: Main Branch of the Public Library
*Agendas must be concise (re:action to be taken), closed session information should be clear, must be made available
*commendatory/emergencies are exempt when 2/3 vote (body saw the need to take action)

Rights of the Public were discussed details were:

4 48545 SFPL: ECONO JRS
146 SFPL 10/25/02 73

*members of the public may attend anonymously
*records distributed have to be available to the public as soon as practical
*members of the public have the right to tape record, video tape, or photograph
*draft minutes should be available 10 days after meetings
*Closed Sessions require legal justification

Public Records:

*Electronic media is now included for information access
*answering oral questions is required (15 min max)
*Public information file (clerk's office, boards, commissions)
*Public access to Gov't records time requirements, (24 hours)
*set fees for duplication costs (not more than 10 cents a copy)

Task Force:

*Advisory to the Board
*May make recommendations

3) Work Program and Schedule

Members of the task force began to discuss methods to carry out their duties to the public and the Board of Supervisors.

Suggestions offered:

* A "tool" be developed to advise departments of non-compliance
* A suggestion box be place for feed back
* a bill of rights card be developed to inform the public
* suggested that information on Sunshine Ordinance be included on all agendas

In fulfilling the role of the task force, the members determined they can inform the departments of the sunshine ordinance requirements and ask departments to respond. The task force enforcement limitations were discussed.

It was brought to the attention of the members that the Housing Authority, and the Redevelopment Agency were not subject to the Sunshine Ordinance requirements.

4) Public Comments: (all comments are paraphrased and are not intended to be direct quotes)

Salieri: Feels that the task force needs to organize and set up a structure, should inform the public of their rights, and create a brochure of the sunshine ordinance, should clearly post the information in visible locations. Next meeting should be widely publicized.

Whistler: Identified two problems: compliance and loopholes.

Raised the question, Do you want violations identified? Suggestions: provisions for penalties, non compliance, sub-committee

Bush: Regarding the S.F. Housing Authority, and the S.F. Redevelopment Agency, the task force should send a letter requesting them to adopt the Sunshine Ordinance. City commission contracts, not available, ask each department to designate individuals to respond to the sunshine ordinance compliance. Require testing of their recordings to avoid "blanks", require "recision of all actions" where undocumented.

4) Setting of agenda for next meeting:

Discussion followed and the following agenda was suggested for the next meeting with Sue Hestor volunteering to draft a set of rules for the task force to be presented at the next meeting. Discussion of Paliamentary Procedure "Robert's Rules" as a principle guideline followed, the agenda for the next meeting was set as follows:

1) Adoption of Rules of Order
2) Election of a Chair/Vice Chair/Sec./Media Liaison
3) Procedure for setting Agenda
4) Clear Identification of contacting (members ?)
5) Request/Recommedation
6) Outreach/Posting of Information
7) Continued Discussion on Work Program

Motion was made to place these items on the agenda.

Meeting was adjourned approximately 6:00 p.m.

Submitted by: Kathy Perry, Secretary

SF

DOCUMENTS DEPT.
MAY 11 1994
SAN FRANCISCO
PUBLIC LIBRARY

SUNSHINE ORDINANCE TASK FORCE
MEETING NOTICE

NEXT MEETING: WEDNESDAY, MAY 25, 1994 @ 4 P.M.

LURIE ROOM, MAIN LIBRARY

(MEMBERS: Please RSVP to David Prowler, 554-7940)

AGENDA

1. Selection of Acting Chair
2. Adoption of rules of order.
3. Election of Officers: Chair, Vice Chair, Secretary, Media Liaison
4. Continuation of discussion of work program and schedule
5. Adoption of procedures for agenda setting
6. Consideration of request to Board of Supervisors that it request that Redevelopment Agency, Housing Authority, Transportation Authority, Community College District and School District adopt Sunshine Ordinance.
7. Consideration of actions regarding public outreach of Task Force
8. Consideration of action regarding dissemination of information to the public at City offices about copying charges and the public rights under the Sunshine Ordinance.
9. Public comment on items within the subject matter jurisdiction of the Task Force.

See reverse for Accessibility Information

SUNSHINE ORDINANCE TASK FORCE
ACCESSIBLE MEETING POLICY

1. This meeting will be held at the Main Library, in the Lunch Room. The closes accessible BART Station is the Civic Center Station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the location are 42 Downtown Loop, 9 San Bruno and 7 Haight/Noriega. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center Station. For more information about MUNI accessible services call (415) 923-6142.

2. American sign language interpreters and/or a sound enhancement system will be available upon request at hearings. Please contact Violeta Mosuela at (415) 554-7704, at least 72 hours prior to hearing. Late requests will be honored if possible.

3. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attenders at public meetings are reminded that other attenders may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

4. There is accessible parking in the Civic Center Garage under the Civic Center Plaza across Larkin Street from the Library.

5. Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

SF
S88
#2
5/25/94

SF

DOCUMENTS DEPT
DEC 11 1995
SAN FRANCISCO
PUBLIC LIBRARY

MINUTES

SUNSHINE ORDINANCE TASK FORCE

MEETING OF MAY 25, 1994

The meeting convened at the Lurie Room of the Main Library at 4:10. In attendance -

Members: Bruce Brugmann, James Chaffee, Melinda Cuthbert, Sue Hestor, Byron McQuarters, Kathy Perry, Elizabeth Pritzker, Enrique Ramirez, Joseph Van Ness-Ballestreros

Ex Officio Members: Naomi Nishioka, David Prowler. City Attorney - Randy Riddle

Public: Shelly Salieri, Landis Whistler

Election of Chair Pro Tem

Melinda Cuthbert outlined a suggested approach, modified from Robert's Rules of Order for selecting a Chair pro tem to conduct the meeting until rules of order could be adopted by the Task force. The Task Force agreed to follow those procedures. Sue Hestor nominated David Prowler to serve as Chair pro tem. The vote was unanimous.

Consideration and adoption of Rules and Regulations

Sue Hestor described, section by section, the draft Rules and Regulations which she had prepared based on a combination of the Rules of the Planning Commission and the Sunshine Ordinance provisions. Members and the public discussed each section. Discussion focussed upon:

The roles of the Secretary and Clerk of the Committee. It was agreed that, while the Secretary is responsible for ensuring that minutes are kept, agendas and notices sent, the actual tasks will be performed by the CAO office representative who will serve as the Clerk of the Task Force. Draft minutes are to be prepared within seven days of each meeting. _____moved the above procedure be followed. Vote: Brugmann, Cuthbert, Hestor, McQuarters, Perry, Pritzker, Ramirez, Van Ness in favor. Chaffee against.

The media liaison will be responsible for publicity and outreach to the media and the public regarding the work of the Task Force.

The issue of how to fill vacancies in office was deferred to the July meeting along with the issue of a permanent meeting location.

Article V, Section 9. Discussion on whether to require all members to vote on all issues before them, or to allow abstentions. Perry moved that abstentions be allowed. Seconded by McQuarters. Motion withdrawn. New motion by Perry to allow the right to abstain so long as a reason for that abstention is declared. Second by McQuarters. Vote: Brugmann, Chaffee, Cuthbert, Hestor, Pritzker, Ramirez, Van Ness in favor. McQuarters, Perry against.

Sue Hestor moved that the following sections of the proposed Rules and Regulations be adopted as amended in the discussion, subject to amendment at the July meeting: Articles I through IV, sections 1 through 10 of Article V.

Election of Chair

Nominations were opened for chair. The following persons were nominated in writing: Bruce Brugmann, James Chaffee, Sue Hestor, Joseph Van Ness-Ballestreros. Brugmann and Van Ness declined. The vote for the chair was: Hestor - Brugmann, Chaffee, Cuthbert, Hestor, Pritzker, Van Ness; Chaffee - McQuarters, Perry.

Agenda for June meeting

All items which had not been reached on the May agenda were continued to the June meeting. This specifically includes the remaining provisions of the Rules and Regulations. The Task Force wants a presentation to clarify the different powers of the Ethics Commission and the Sunshine Task Force.

The meeting adjourned at 6:00 pm.

revisions by Sue Hestor

DOCUMENTS DEPT.
JUN 7 1994
SAN FRANCISCO
PUBLIC LIBRARY

MINUTES (DRAFT)

SUNSHINE ORDINANCE TASK FORCE

Meeting of May 25, 1994
Lurie Room, Main Library

Members in attendance: Bruce Brugmann, James Chaffee, Melinda Cuthbert, Sue Hestor, Elizabeth Pritzker, Enrique Ramirez, Joseph Van Ness-Ballesteros, Byron McQuarters, Kathy Perry, Naomi Nishioka and David Prowler. Randy Riddle attended representing the City Attorney's Office. Shelly Salieri and Landis Whistler attended as members of the public.

The meeting began at 4:10 with Melinda Cuthbert outlining a suggested approach, modified from Robert's Rules or Order, for selecting a Chair pro term to Chair the meeting until rules of order could be adopted by the body. David Prowler was elected Chair pro term.

Sue Hester described, section by section, her proposed rules of order and members and the public discussed and amended them.

Discussion focussed upon:

- The roles of the Secretary and Media liaisons of the Task Force. It was agreed that while the secretary is responsible for ensuring that minutes are kept, agendas and notices sent the actual tasks will be performed by CAO staff as required by the ordinance. Minutes are to be sent within seven days of days of meetings. The media liaison will be responsible for publicity and outreach to the media and public regarding the work of the Task Force.

- Concerns were raised about the need to avoid overly elaborate procedures and the need for a way to replace officers.

- There was a discussion of the ability of Task Force members to abstain. It was decided that members may not abstain.

A copy of the amended adopted rules of order is attached. Discussion and adoption of remaining sections of the rules will be held at the next meeting, scheduled for June 15, 1994.

Sue Hestor was elected Chair of the Task Force. Elections of remaining officers will be held at the next meeting.

Meeting adjourned at 6 P.M.

DOCUMENTS DEPT.
JUN 7 1994
SAN FRANCISCO
PUBLIC LIBRARY

RULES AND REGULATIONS

SUNSHINE ORDINANCE TASK FORCE

CITY AND COUNTY OF SAN FRANCISCO

(as adopted in part on May 25, 1994)

ARTICLE I - NAME

The name of this Task Force shall be the "SUNSHINE ORDINANCE TASK FORCE."

ARTICLE II - OFFICERS

The Officers of this Task Force shall be a Chair, a Vice Chair, a Secretary and a Media Liaison. The Officers shall be elected at the first Regular Meeting of the Task Force held on or after May 1 of each year, or at a subsequent Meeting, the date of which shall be fixed by the Task Force at the first Regular Meeting on or after May 1 of each year. They shall hold office for one year and until their successors are elected.

ARTICLE III - DUTIES OF OFFICERS

Section 1. Chair. The Chair shall preside at all meetings of the Task Force, shall appoint all Committees and their Chairs with the concurrence of the Task Force, and shall perform all other duties as prescribed by the Task Force or by the Rules and Regulations which are necessary or incidental to the office.

Section 2. Vice Chair. In the event of the absence or inability to act of the Chair, the Vice Chair shall take the place and perform the duties of the Chair. In the event of absence of both the Chair and Vice Chair, the remaining members of the Task Force shall appoint one of their number to act temporarily as Chair.

Section 3. Secretary. The Secretary shall oversee the administrative, clerical and research functions of the Task Force. These duties include, but are not limited, to the taking of minutes, noticing of meetings, custody of records, correspondence and acting as primary liaison with the Clerk.

Section 4. Media Liaison. The duties of the Media Liaison shall be outreach and publicity to the media and to the general public regarding the dealings of the Task Force. This includes providing notice of meetings and hearings.

ARTICLE IV - DESIGNATION OF CLERK AND OFFICE OF SUNSHINE TASK FORCE

Section 1. Designation of Clerk. The designee of the Chief Administrative Officer to the Sunshine Ordinance Task Force is designated the Clerk of the Sunshine Task Force.

Section 2. Designation of Office. The office of the Sunshine Ordinance Task Force shall be located in the office of the Chief Administrative Officer.

Section 3. Duties of Clerk. The Clerk or her or his designee shall take minutes of each meeting of the Task Force and prepare minutes for the consideration and adoption by the Task Force. The Clerk shall maintain the files of the Sunshine Ordinance Task Force pursuant to the requirements of San Francisco Administrative Code §67.23 and other relevant laws. Agendas of meetings and any other documents relative to the work of the Task Force shall be filed with that Clerk and shall be made available to members of the public pursuant to the provisions of the Sunshine Ordinance and any other relevant state or local law.

ARTICLE V - MEETINGS

Section 1. Regular Meetings. Regular Meetings of the Task Force shall be open and public and shall be held the third Wednesday of each month at 4:00 pm or at an alternate hour in the afternoon of such day as set forth in the Meeting notice.

Section 2. Special Meetings. Special Meetings of the Task Force shall be open and public and shall be held at such times as the Task Force may determine, or may be called by the Chair for any time, and must be called by the Chair upon the written request of three members of the Task Force, filed with the Secretary. The place of such Meetings shall be as provided above for regular meetings unless notice is given at least fifteen days in advance of another location.

Section 3. Notice of Regular Meetings. Written notice of the time and place of every Regular Meeting of the Task Force shall be given to members of the Task Force at least seven days before the time of such Meeting, and shall be given by posting and otherwise, as required by San Francisco Administrative Code §67.6(e).

Section 4. Notice of Special Meetings. Written notice of the time and place of every Special Meeting of the Task Force shall be given to members of the Task Force at least seventy-two hours before the time of such Meeting, and shall

be given by posting and otherwise, as required by San Francisco Administrative Code §67.6(f).

Section 5. Agenda for a Regular Meeting. At least seven days before a regular Meeting, the Task Force shall post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting. Items shall be placed on the agenda pursuant to the procedure adopted by the Task Force for placing items on the agenda. No action or discussion shall be undertaken on any item not appearing on the agenda except in conformity with the provisions of San Francisco Administrative Code §67.7.

Section 6. Agenda for a Special Meeting. At least seventy-two hours before a special Meeting, the Task Force shall post a notice and agenda which shall specify the business to be transacted. No other business shall be considered at any special meeting by the Task Force.

Section 7. Prohibition on Closed Sessions. The Sunshine Task Force shall conduct no closed sessions.

Section 8. Quorum. A quorum for the transaction of official business at any Regular or Special Meeting shall consist of a majority of all voting members of the Task Force, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties, if any, provided by law.

Section 9. Voting. Action by the Task Force shall be by Motion or Resolution adopted by a majority vote. A majority vote shall means a majority of all members of the Task Force present and voting unless otherwise provided by law. All members present shall vote for or against each question brought to a vote unless a member is excused from voting by a motion adopted by a majority of the members present. All votes which are not unanimous shall be by roll call. A tie vote on any matter before the Task Force shall be deemed to be a disapproval thereof.

Section 10. Parliamentary Procedure. The rules of parliamentary practice, as set forth in Robert's Rules of Order, last revised edition, shall govern all meetings of the Commission except as otherwise provided herein or in the Charter and ordinances of the City and County of San Francisco.

The above provisions were adopted at the May 25 meeting. Since the Rules are still before the Task Force, they are subject to amendment at the June Task Force meeting.

The following provisions of the Rules were deferred at the May meeting and will be discussed at the June meeting.

Section 11. Order of Business. The order of business at any Regular Meeting shall be as follows:

1. Roll Call
2. Consideration and adoption of minutes of prior meeting
3. Report of the Clerk on communications to the Task Force
4. Questions and Matters from members of the Task Force
5. Public Comment
6. Consideration of Main Agenda
7. Adjournment

Section 12. Public Comment. This item provides an opportunity for members of the public to address the Task Force on items of interest to the public that are within the subject matter jurisdiction of the Task Force, but which are not on the posted agenda for that Meeting. When that item is reached, members of the public may address the Task Force for up the three (3) minutes. The Chair may limit the total testimony by all members of the public to fifteen (15 minutes). If such a limitation is imposed, public comment shall be continued until after conclusion of the main agenda.

Section 13. Public Testimony. There shall be a period for public comment on every item on the main agenda prior to any action on that item. This Task Force encourages input from the public and will treat members of the public with courtesy. The chair shall determine for each matter on the agenda the time at which public comment shall occur. The Chair may impose time limits on appearances by members of the public and may otherwise exercise discretion on procedures for the conduct of public hearings. Testimony by an individual on any agenda item may not be restricted to any time shorter than than three (3) minutes.

Section 14. Minutes. The Clerk of the Task Force shall record the minutes for each regular and special meeting of the Task Force pursuant to the provisions of San Francisco Administrative Code §67.18.

The above provisions were adopted at the May 25 meeting. Since the Rules are still before the Task Force, they are subject to amendment at the June Task Force meeting.

The following provisions of the Rules were deferred at the May meeting and will be discussed at the June meeting.

Section 11. Order of Business. The order of business at any Regular Meeting shall be as follows:

1. Roll Call
2. Consideration and adoption of minutes of prior meeting
3. Report of the Clerk on communications to the Task Force
4. Questions and Matters from members of the Task Force
5. Public Comment
6. Consideration of Main Agenda
7. Adjournment

Section 12. Public Comment. This item provides an opportunity for members of the public to address the Task Force on items of interest to the public that are within the subject matter jurisdiction of the Task Force, but which are not on the posted agenda for that Meeting. When that item is reached, members of the public may address the Task Force for up the three (3) minutes. The Chair may limit the total testimony by all members of the public to fifteen (15 minutes). If such a limitation is imposed, public comment shall be continued until after conclusion of the main agenda.

Section 13. Public Testimony. There shall be a period for public comment on every item on the main agenda prior to any action on that item. This Task Force encourages input from the public and will treat members of the public with courtesy. The chair shall determine for each matter on the agenda the time at which public comment shall occur. The Chair may impose time limits on appearances by members of the public and may otherwise exercise discretion on procedures for the conduct of public hearings. Testimony by an individual on any agenda item may not be restricted to any time shorter than than three (3) minutes.

Section 14. Minutes. The Clerk of the Task Force shall record the minutes for each regular and special meeting of the Task Force pursuant to the provisions of San Francisco Administrative Code §67.18.

ARTICLE VI - AMENDMENTS

These Rules and Regulations may be amended by the Task Force at any Regular Meeting by a majority vote following a public hearing, providing that the amendment has been calendared for hearing for at least two weeks.

Dangling matters -

(1) Does someone want to draft a proposal for "intention" language (on how we intend to conduct our business with maximum public input and maximum "sunshine?" That language would be appropriate as Article II -- with the other articles renumbered.

(2) Article II - need provision to deal with vacancies during term.

(3) Article V, Section 1, last sentence - The place of such Meetings shall be _____.

F
88
1
1/5/94

/ST

// SUNSHINE ORDINANCE TASK FORCE

DOCUMENTS DEPT.
JUN 7 1994
SAN FRANCISCO
PUBLIC LIBRARY

MEETING NOTICE
(MEMBERS: If not attending, please call David Prowler at 554-7940)

NEXT REGULAR MEETING: WEDNESDAY, JUNE 15, 4 PM
FOX PLAZA, 1390 MARKET STREET, ROOM 230 (MEZZANINE)

/// AGENDA

1. Election of Vice Chair, Secretary and Media Liaison
2. Adoption of rules of order (continued)
3. Discussion of role of City Attorney, adoption of work program and schedule
4. Discussion of relationship with Ethics Commission
5. Adoption of procedures for agenda setting
6. Consideration of request to Board of Supervisors that it request that Redevelopment Agency, Housing Authority, Transportation Authority, Community College District and School District adopt procedures similar to those required by Sunshine Ordinance.
7. Consideration of actions regarding public outreach of Task Force
8. Consideration of action regarding dissemination of information to the public at City offices about copying charges and the public rights under the Sunshine Ordinance.
9. Public comment on items within the subject matter jurisdiction of the Task Force.

See reverse for Accessibility Information

SUNSHINE ORDINANCE TASK FORCE
ACCESSIBLE MEETING POLICY

1. This meeting will be held at Fox Plaza, 1390 Market Street, Room 230, Mezzanine, San Francisco, CA. The closes accessible BART Station is the Civic Center Station located at the intersection of Market, Hyde and Grove Streets. Accessible MUNI lines serving the location are 42 Downtown Loop, 9 San Bruno and 7 Haight/Noriega. Accessible MUNI Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and Civic Center Station. For more information about MUNI accessible services call (415) 923-6142.

2. American sign language interpreters and/or a sound enhancement system will be available upon request at hearings. Please contact Violeta Mosuela at (415) 554-7704, at least 72 hours prior to hearing. Late requests will be honored if possible.

3. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our accessibility hotline (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attenders at public meetings are reminded that other attenders may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

4. Accessible curb side parking has been designated on the Larkin Street side of Fox Plaza for mobility impaired individuals. There is also accessible parking in the Civic Center Garage under the Civic Center Plaza across Polk Street from City Hall.

5. Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

SF
388
2
6/15/94

DOCUMENTS DEPT.
DEC 11 1995
SAN FRANCISCO
PUBLIC LIBRARY

SF

MINUTES

SUNSHINE ORDINANCE TASK FORCE

MEETING OF JUNE 15, 1994

The meeting convened at 1390 Market Street, Room 230 at 4:__.
In attendance -

Members: James Chaffee, Melinda Cuthbert, Sue Hestor, Byron McQuarters, Kathy Perry, Elizabeth Pritzker, Catherine Shen, Joseph Van Ness-Ballestreros

Ex Officio Members: Naomi Nishioka, David Prowler, John Taylor. City Attorney - Randy Riddle

Public: Richard Rothman

Since several members were missing at the time a quorum was present, the elections were continued until later in the meeting.

Procedures for Agenda Setting

The chair presented a summary of what has been decided thus far. Article 11 of the Rules will set the general Order of Business. The Task Force has agreed to have at each meeting an opportunity for Task Force members to request items be put on future agendas. To enable "breaking" items to be placed on an agenda, the chair suggested that the deadline for each agenda be set at Monday of the week preceding each meeting, i.e. 9 days before each meeting. Those requests should be made to the Chair or the Clerk. The chair shall exercise discretion in setting matters on the agenda using her or his best judgment to set a calendar which can be concluded in a maximum of two hours. There was no objection to this general procedure.

James Chaffee moved that the order of business be as follows:

1. Roll call
2. Consideration and adoption of minutes of prior meetings
3. Report of the Clerk on communications to the Task Force
4. Questions and Matters from members of the Task Force
5. Consideration of Main Agenda
6. Issues regarding compliance with the Sunshine Ordinance
7. Setting of the agenda for the next meeting
8. Public Comment
9. Adjournment

Seconded by Kathy Perry. Passed unanimously.

Election of Officers

Byron McQuarters nominated James Chaffee as Vice-Chair. Seconded by Kathy Perry. The vote was unanimous.

Joseph Van Ness moved Kathy Perry for Secretary. Seconded by James Chaffee. The vote was unanimous.

Election of Media Liaison was deferred to the July meeting.

Adoption of Rules and Regulations - continued from June meeting

Article I through IV and Article V, sections 1 through 10 were approved at the June meeting, subject to any further amendment at this meeting.

James Chaffee moved that Public Comment be made the first agenda item at each meeting. Cathy Shen seconded. In favor: James Chaffee, Byron McQuarters, Cathy Shen, Joseph Van Ness. Opposed: Melinda Cuthbert, Sue Hestor, Kathy Perry, Elizabeth Pritzker. Motion lost due to tie.

Elizabeth Pritzker moved that Public Comment be the first item after 5:00 pm. Kathy Perry seconded. The vote was unanimous.

Joseph Van Ness moved that Article V, Section 1 be amended to set the place of Task Force meetings at 101 Grove Street, Room 302. The vote was unanimous.

Joseph Van Ness moved to amend Article II by adding, "If any task Force office becomes vacant, that office shall be filled at the first meeting after the vacancy occurs." Seconded by Kathy Perry. The vote was unanimous.

Joseph Van Ness moved and Byron McQuarters seconded the adoption of Article V, Sections 11 through 14 and Article VI of the Rules and Regulations as amended. The vote was unanimous.

Public Comment

Richard Rothman stated that he is outraged that the Task Force has no slot designated for a disabled member and asked the Task Force to request that the Board of Supervisors establish such a seat. Mr. Rothman made the following allegations about the Civil Service Commission: (1) they require persons wishing to speak under Public Comment to file a written request by noon of the day of a Commission meeting, (2) the minutes violates the Sunshine Ordinance by failing to summarize reports presented to the Commission, and (3) that persons attempting to review the Commission files are not provided with a table and chair to review

those files. Randy Riddle will discuss those points with the Civil Service Commission and report back to the Task Force.

Request that other agencies comply with Sunshine Ordinance

Joseph Van Ness moved that he draft a Resolution for consideration by the Board of Supervisors that the Community College District, the Board of Education, the Housing Authority and the Redevelopment Agency be requested to adopt rules similar to the Sunshine Ordinance to govern those bodies. Second by Byron McQuarters. The vote was unanimous. Chair and Secretary to sign the letter.

Question on City Attorney role

There was a discussion of the May 23, 1994 memo from James Chaffee challenging the ability of the City Attorney to advise this Task Force and the June 13, 1994 response from the City Attorney. Randy Riddle answered questions on his memo. No action.

Future Agendas

Media Liaison election - July meeting
Relationship with Ethics Commission - July or August meeting
Discussion and adoption of work program and schedule - July meeting
Report on Civil Service Commission allegations and possible action - July meeting
Question of designated seat for disabled member - deferred until general report to Board of Supervisors on further action (related to work program)
Dissemination to public of information at City offices about copying charges and public rights under Ordinance - August or September meeting

Byron McQuarters moved adjournment. Joseph Van Ness seconded. The vote was unanimous. The meeting adjourned at _____.

(revisions - Sue Hestor)

OFFICE OF

CHIEF ADMINISTRATIVE OFFICER

RUDOLF NOTHENBERG
CHIEF ADMINISTRATIVE OFFICER

289 CITY HALL
SAN FRANCISCO
CALIFORNIA 94102
415/554-4851

SUNSHINE ORDINANCE TASK FORCE

MEETING OF JULY 20, 1994

4 PM, ROOM 302, 101 GROVE STREET (AT POLK)

DOCUMENTS DEPT.
JUL 14 1994
SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call
2. Consideration and adoption of minutes of May 25 and June 15 meetings
3. Report of the Clerk on communications to the Task Force
4. Questions and Matters from members of the Task Force
5. Discussion of Task Force relationship to Ethics Commission
6. Election of Media Liaison
7. Department reports under the Sunshine Ordinance
8. Discussion and adoption of work program and schedule
9. Discussion and possible action on issues regarding compliance by Civil Service Commission with Sunshine Ordinance: (a) requirement that public comment request be filed by noon of date of hearing, (b) type of information provided in minutes, (c) lack of space for public to review public records
10. Other issues regarding compliance with the Sunshine Ordinance
11. Public Comment
12. Setting of the Agenda for the next meeting
13. Adjournment

Disability Access

Room 302, 101 Grove St., is wheelchair accessible through the Grove Street entrance.

American sign language interpreters and readers are available with advance notice of three business days. The Department of Public Health will make every effort to accommodate requests for sound enhancement systems and alternative formats for meeting minutes and agendas. Please make these requests as far in advance as possible. Contact Gloria Louie at the Department of Public Health Equal Employment Opportunity Program at 554-2595 for all requests. Late requests will be honored if possible.

Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals.

For the 101 Grove Street meeting, the closest accessible station for MUNI and BART is the Civic Center Station. Accessible parking is located at the southwest corner of Grove and Polk Streets.

SF

DOCUMENTS DEPT.

DEC 11 1995

SAN FRANCISCO PUBLIC LIBRARY

DRAFT

MINUTES
SUNSHINE ORDINANCE TASK FORCE
MEETING OF JULY 20, 1994

In attendance: Task Force Members: Sue Hestor (Chair), James Chaffee, Byron McQuarters, Kathy Perry, Bruce Brugmann, Enrique Ramirez. Absent: Joe VanNess, Elizabeth Pritzker, Cathy Shen, Melinda Cuthbert. Ex-Officio members: John Taylor, alternate Naomi Nishioka, Davis Prowler. City Attorney Randy Riddle.

I. The meeting delayed until 4:52 due to lack of a quorem.

II. Adoption of Minutes

Sue Hestor moved the adoption of revised May minutes which had been provided in writing. James Chaffee seconded. Vote was unanimous.

Sue Hestor moved and Enrique Ramirez seconded the adoption of revised June minutes which had been provided in writing. Enrique Ramirez seconded. The vote was unanimous.

Complete amended minutes as adopted are available for review at the Task Force Office at Room 271, City Hall.

Kathy Perry agreed to draft April minutes.

III. Correspondence

David Prowler passed around correspondence file. There was discussion of a letter from the Controller to the Board of Supervisors summarizing costs incurred by City departments in carrying out the Sunshine Ordinance. At the request of Bruce Brugmann, David will get copies of the background documentation submitted by those 5 departments which indicated anything but nominal costs.

IV. Discussion of Task Force Relationship with Ethics Commission

Camille Hamilton Pating described the history and current status of the Ethics Commission, which was established by passage of Proposition K on the November 1993 ballot. Currently they are involved with start-up issues - hiring, establishing by-laws and policies, etc. It may be the end of the year before they are fully operational. They meet the second Monday of each month, from 2-5 PM, usually in the Health Department Commission Room.

Randy Riddle pointed out that the greatest area of overlap between duties of the Ethics Commission and the Task Force is education of the public and City departments. The Ethics Commission has the power to adopt rules and regulations which are binding on City departments. The Task Force may want to suggest regulations clarifying provisions of the Sunshine Ordinance to the Commission rather than going to the Board of Supervisors for legislation.

Shelley Salieri offered to assist in the development of educational materials and outreach for Ethics Commission and Sunshine Task Force.

V. Public Comment
Shelley Salieri pointed out that the Transportation Authority is not in the letter urging compliance with the Ordinance. Sue Hestor will agendize that.

Granville Hogg urged that the Task Force require specificity in complaints alleging violations of the Ordinance.

Landis Whistler recommended that the Task Force review complaints, and if confirmed, issue letters of censure.

VI. Discussion of Civil Service Commission
Al Walker, of the Civil Service Commission staff responded to complaints received by the Task Force. Anyone can speak at CSC meetings without giving advance notice; summaries of reports in minutes comply with the law; and a table and chair are available for members of the public who come to the Commission office to hear tapes or review documents. Kathy Perry urged that the public be made aware of the right to hear tapes or review minutes.

The Task Force discussed the issue of how to inform the public of the availability of tapes of Commission meetings. The generic issue of how the Sunshine Ordinance provisions should be publicized will be discussed at a future Task Force meeting.

VII. Questions and Matters from Members of the Task Force
Kathy Perry requested that the Clerk send her copies of all correspondence received. Agreed. Kathy offered to develop a complaint form and a postcard-sized card detailing people's rights under the Ordinance.

Enrique Ramirez offered to draft a procedure for complaint handling including notice to affected departments. David Prowler said that our goal in investigating complaints should be to learn and then suggest ways to avoid further problems, possibly by advising Ethics Commission of needed regulations.

VIII. Election of Media Liaison
Bruce Brugmann nominated Elizabeth Pritzker. Byron McQuarters seconded. The vote was unanimous. Since she was absent, this vote is subject to Pritzker accepting this position

IX. Department Reports Under the Ordinance
John Taylor explained that this item concerns responses from departments regarding problems they have experienced due to the Ordinance.

Kathy Perry moved and Enrique Ramirez seconded a motion that John Taylor request departments to report to the Board any problems they've had - or if they've had no problems. Passed unanimously.

X. Setting of Next Agenda

Task Force discussed how to deal with allegations of violations of the Sunshine Ordinance by the Police Commission and Juvenile Probation Commission. Sue Hestor said that the Task Force must remember the limitation of its jurisdiction. Enrique Ramirez pointed out that the Task Force had been asked to investigate the actions of the Juvenile Probation Commission but not to necessarily hold a hearing. Kathy Perry said that the Task Force should not be used in a political action. There was a general concern that we stay within our jurisdiction and that where possible we discuss generic corrective measures.

It was decided to seek a larger meeting room for the next meeting, which will be held at 3 PM rather than 4, with the first hour devoted to a discussion of work program. It will be a special meeting.

XI. Adjournment

Bruce Brugmann moved adjournment. Kathy Perry seconded. Vote was unanimous.

Meeting adjourned at 7:21 PM.

SF
S88
#1
8/17/94

Sunshine Ordinance Task Force

City and County of San Francisco

DOCUMENTS DEPT.
AUG 4 1994
SAN FRANCISCO
PUBLIC LIBRARY

SUNSHINE ORDINANCE TASK FORCE

SPECIAL MEETING ON AUGUST 17, 1994

100 VAN NESS, 25TH FLOOR
(S.F. TRANSPORTATION AUTHORITY)

PLEASE NOTE THAT LOCATION HAS BEEN CHANGED

3:00 PM

NOTE: This is a Special Meeting rather than a Regular Meeting because it is starting one hour earlier than usual and is being held at a different location. The regular meeting is cancelled.

1. Roll Call

3:00 AGENDA

2. Discussion and adoption of work program and schedule

4:00 AGENDA

3. Consideration and adoption of minutes of April 27 and June 15 meetings

4. Report of the Clerk on communications to the Task Force

5. Questions and Matters from members of the Task Force

   a. Possible change of meeting location to a room with sufficient space for larger crowds - Hestor

   b. Addition of Transportation Authority to our letter to Board of Supervisors requesting that departments currently not bound by Sunshine Ordinance voluntarily agree to meet the standards of that Ordinance.

   c. Other matters

6. Discussion and possible action on issues regarding compliance by Police Department with Sunshine Ordinance: Letter from Steinhart and Falconer re adoption of Order 3.16 of the Department's General Orders re release of police report information to the public.

- Continued on other side -

7. Discussion and possible action on issues regarding compliance by Juvenile Probation Commission with Sunshine Ordinance: Letter dated July 14, 1994 from Board of Supervisors Economic Vitality and Social Policy Committee requesting investigation on whether violations of Brown Act and/or Sunshine Ordinance have occurred with regard to the Commission's consideration of the status of the Chief Probation Officer.

8. Other issues regarding compliance with the Sunshine Ordinance:

   NOTE: Matters not on this calendar may not be considered for action at this meeting. Issues that are raised here may be put on a future calendar.

9. Public Comment

   This will be the first new item considered after 5:00 PM.

10. Setting of the Agenda for the next meeting

11. Adjournment

This meeting location is wheelchair accessible. In order to allow individuals with environmental illness or multiple chemical sensitivity to attend the meeting, individuals are requested to refrain from wearing perfume or other scented products.

SF
S88
#2
8/17/94
Special

SF

DOCUMENTS DEPT.
DEC 11 1995
SAN FRANCISCO
PUBLIC LIBRARY

SUNSHINE ORDINANCE TASK FORCE
SPECIAL MEETING OF AUGUST 17, 1994
* Minutes

In Attendance: Members: Sue Hestor, Bruce Brugmann, Kathy Perry, Byron McQuarters, Elizabeth Pritzker, Melinda Cuthbert, John Taylor, Joe Van Ness, Naomi Nishioka, David Prowler Deputy City Attorney: Randy Riddle
Absent: Catherine Shen, Enrique Ramirez.

Hestor called the meeting to order at 3:10 at 100 Van Ness Avenue, 25th Floor, Conference Room.

1. Discussion of Work Program and schedule.

Hestor led the discussion by stating that at the July meeting the general consensus of the Task Force discussion was that the Task Force's job is not to punish but rather to educate departments and the public.
She developed categories of tasks:

- o Particular complaints about department operations
  - from public
  - from Task Force members
- o Generic problems with Sunshine Ordinance requirements, e.g., public notice, public records
- o Tasks spelled out by the Ordinance
  - report to the Board
  - reports from the departments
- o Pro-active education on Ordinance
  - general information to the public
  - general information to departments.

There was discussion of how to best deal with complaints. Chaffee wants Task Force to make "Findings of Violations". Prowler reported that he receives about 3 complaints per month and tries to resolve them informally. Perry, Hestor, Pritzker and Cuthbert said that complaints should be documented. Prowler will develop a draft form for discussion at the next meeting. Hestor will draft a cover letter working from draft presented by Perry. Discussion followed regarding treatment of anonymous complaints. They will be accepted.

Hestor requested that Task Force members wishing to have complaints calendared get them to her at least nine days prior to meetings.

Hestor reported that item 6 on today's calendar, regarding the Police Commission, is moot and off the calendar at the request of complainant. Item 7 has been continued to September at the request of Supervisor Kennedy.

Task Force moved to regular calendar.

2. Consideration and Adoption of minutes.

a. April 27 minutes: With the corrections of spelling of Brugmann, addition of Larry Bush's first name, and McQuarters' suggestion that information on the ordinance be put on all agendas of Boards and Commissions, the minutes were adopted. Motion: Chaffee, second: Van Ness. Vote unanimous.

b. July 20 minutes: With change that Nishioka is not an alternate, the minutes were adopted. Motion: Brugmann, second: Van Ness. Vote was unanimous.

3. Communications were circulated

4. Questions and matters from Task Force:

a. There was a discussion of moving the meeting room for the Task Force to the 2nd floor conference room at 1660 Mission. The September meeting will be at that location. Rules and Regulations will be on the agenda at that meeting for amendment.

b. Brugmann moved and McQuarters seconded adding S.F. County Transportation Authority to Board resolution requesting compliance with Sunshine Ordinance. Vote was unanimous. Van Ness will draft cover letter to legislation drafted by Riddle.

c. Pritzker and Brugmann reported that Police Commission revised guidelines on records release and that the new guide lines are generally acceptable.

d. Chaffee reported that the minutes for the June Police Commission meeting are unavailable. He will send complaint to Hestor and Riddle.

e. Taylor circulated a copy of City departments' comments on problems caused by the Ordinance. Prowler will make copies and send to Task Force members for future discussion. Van Ness suggested sending a similar inquiry to task forces, committees, etc.

5. Public Comment: Stefan Wray reported on difficulties of getting information from the Police Department regarding off-duty police officers working as private security guards. He read a statement (attached). He requested a hearing and informal attempt to resolve, which Riddle will pursue. If there is no resolution, it will be calendared for September.

At this point the Task Force returned to the Work Program discussion. Taylor reviewed legislated tasks of Task Force:

Advise and inform on implementation of Ordinance
Propose Amendments to Ordinance
Report generally on problems concerning Ordinance

Hestor suggested that Task Force should report back to Board by February, 1995, discuss City responses in October, and hold public-hearing in January. Hestor reminded the Task Force that we still lack a member representing either Radio and Television Directors. If no member is appointed by September, the need for that seat will be reviewed in October as part of a further discussion on designated members, i.e. disability community. Perry will draft outline Work Program for further discussion at September meeting. McQuarters will draft notice to be suggested for Commission agendas. Hestor will draft complaint procedures.

Chaffee moved adjournment. McQuarters seconded. Vote was unanimous to adjourn at 5:50.

DEPARTMENTS RESPONDING WITHOUT SUNSHINE ORDINANCE PROBLEMS:

Civil Service Commission
Port of San Francisco
Board of Permit Appeals
Social Services
Municipal and Superior Courts
Purchasing
Law Library
Real Estate
Agriculture/Weights and Measures
Art Commission
Fire
Animal Care and Control
Rent Board
County Clerk/Recorder
Registrar of Voters
DA Family Support Bureau
Public Administrator/Public Guardian
Parking and Traffic
CAO
Mayor's Office of Children, Youth and their Families
Health Service System
Retirement System
Public Utilities Commission
Housing Authority

DOCUMENTS DEPT.
SEP - 8 1994
SAN FRANCISCO
PUBLIC LIBRARY

OFFICE OF
CHIEF ADMINISTRATIVE OFFICER

RUDOLF NOTHENBERG
CHIEF ADMINISTRATIVE OFFICER

289 CITY HALL
SAN FRANCISCO
CALIFORNIA 94102
415/554-4851

Agenda

SUNSHINE ORDINANCE TASK FORCE

SPECIAL MEETING OF SEPTEMBER 21, 1994

4:00 P.M. - 1660 MISSION STREET, 2ND FLOOR, CONFERENCE ROOM

PLEASE NOTE THAT LOCATION HAS BEEN CHANGED AND THAT MEETING AT 101 GROVE FOR SAME TIME IS CANCELLED

NOTE: This is a special meeting rather than a regular meeting because we are in the process of changing our meeting location to a new permanent location.

1. Roll Call
2. Consideration and adoption of minutes of August 17
3. Report of the Clerk on communications to the Task Force
4. Questions and Matters from members of the Task Force
   a. Report on status of filling of seat for Radio-Television-News Directors Association - Brugmann
   b. Report by City Attorney on complaints forwarded to him
5. Amend Task Force Rules and Regulations to change permanent meeting location to 1660 Mission Street, 2nd floor, conference room.
6. Discussion and possible action on issues regarding compliance by Juvenile Probation Commission with Sunshine Ordinance:

   Letter dated July 14, 1994 from Board of Supervisors Economic Vitality and Social Policy Committee requesting investigation on whether violations of Brown Act and/or Sunshine Ordinance have occurred with regard to the Commission's consideration of the status of the Chief Probation Officer.
7. Discussion and possible action on issues regarding compliance by Police Department with Sunshine Ordinance:
8. Discussion and adoption of work program and schedule
9. Discussion and possible action on seriatim meetings.
   NOTE: This matter may be set over to October agenda, if the September meeting goes past 6:00

10. Other issues regarding compliance with the Sunshine Ordinance

    NOTE: Matters not on this agenda may not be considered for action at this meeting. Issues that are raised here may be put on a future agenda.

11. Public Comment

    This will be the first new item considered after 5:00 pm.

12. Setting of the Agenda for the next meeting

13. Adjournment

    PLEASE NOTE: Some agenda material will be sent out on September 14, a week before the meeting. Any requests that an additional item be placed on the agenda should be made to Sue Hestor, 362-2278, no later than 4 pm on September 9.

OFFICE OF
CHIEF ADMINISTRATIVE OFFICER

RUDOLF NOTHENBERG
CHIEF ADMINISTRATIVE OFFICER

289 CITY HALL
SAN FRANCISCO
CALIFORNIA 94102
415/554-4851

MEMORANDUM

DOCUMENTS DEPT.
SEP - 8 1994
SAN FRANCISCO
PUBLIC LIBRARY

To: Sunshine Ordinance Taskforce

From: David Prowler, Assistant to the Chief Administrative Officer

Date: September 1, 1994

Enclosed please find:

Notice of Special meeting of the Sunshine Ordinance Taskforce Agenda

Draft minutes of Taskforce meeting of August 17, 1994

Responses from City departments reporting problems with the Ordinance and a list of agencies reporting none

Draft complaint form

Copy of statement of Stefan Wray to the Taskforce

Proposed workplan

I hope to see you at the meeting of September 21.

SF
S88
#2
1/21/94 SF

DOCUMENTS DEPT.
DEC 11 1995
SAN FRANCISCO
PUBLIC LIBRARY

DRAFT MINUTES
SUNSHINE ORDINANCE TASK FORCE
MEETING OF SEPTEMBER 21 1994

In attendance: Members: Sue Hestor, Bruce Brugmann, Elizabeth Pritzker, Enrique Ramirez, Joe Van Ness, Byron Mcquarters, Kathy Perry, James Chaffee, John Taylor, David Prowler. Deputy City Attorney Randy Riddle advised.

I. The Meeting was convened at 4:10 PM with rollcall.

II. MINUTES. Brugmann moved adoption of the August 17 minutes. Van Ness seconded, Unanimous adoption.

III. CORRESPONDENCE. Prowler circulated correspondence received since the previous meeting, including complaints of alleged Ordinance violations received from Barbara Thompson, correspondence between Stefan Wray and the Police Department including a request for a continuance of the item calendared for the 9/21 meeting on this complaint, letters from James Chaffee, and a letter of resignation from Task Force member Catherine Shen. These letters are available for inspection at the Task Fforce's office.

IV. QUESTIONS AND MATTERS. Brugmann reported that the Radio and Television News Directors are looking for a person to fill their slot on the Task Force. Hestor announced her intention to calendar for the next meeting requests to the Board of Supervisors to fill that seat, deal with the S. F Foundation vacancy and perhaps add a disabled seat. She will also agendize a discussion of a policy on repeated absences.

Riddle had no reports from the City Attorney's Office, but did distribute new Brown Act summaries.

Hestor urged Task Force members sign,date, and label drafts of all materials sent to the Task Force. Perry discussed methods of dealing with complaints.

V. DISCUSSION AND POSSIBLE ACTION ON COMPLAINT AGAINST JUVENILE PROBATION COMMISSION.

Reverend Edgar Boyd and Attorney Carl Williams, along with Juvenile Probation Commissioners Agnes Chan, Peter Rodriguez, and Esperanza Echavari introduced themselves. Hestor pointed out that the charge of the Task Force is narrow, limited to recommending to the Board of Supervisors and City departments how to best implement the Sunshine Ordinance.

Reverend Boyd read from his previously distributed complaint. Copies are available at the Taskforce office. Complaint alleges that when four members of the Commission spoke requesting a meeting to discuss termination of Chief Probation Officer Fred Jordan they in effect met illegally. Carl Williams said that a complaint of Brown Act violation has been made to the District Attorney.

Esperanza Echavarri summarized her recollection of discussions and notices regarding Mr Jordan's termination. A copy of her statement was distributed and is available at the office of the Taskforce. Commissioner Chan stated that while much work had been done toward evaluation of Mr. Jordan, this was disregarded by the commissioners wanting to remove him. Commissioner Rodriguez said that he received training in the Brown Act and Sunshine Ordinance from the City Attorney. He stated that Mr. Clay, President of the Commission is unavailable due to a death in the family. He is not aware of any illegal meetings and is unfamiliar with the secretary's practice regarding meeting notices. He further stated that it only takes one member of the Commission to request a meeting.

Don Chan, secretary of the Commission since April said that notices have always been checked by the City Attorney and have been sufficient.

Joe Vanness said that the Task Force has no legal standing to make findings but could request the DA or CIty Attorney to act. It seems to him that wittingly or unwittingly violations occurred.

Randy Riddle referred to the limited authority of the Task Force but said that the Task Force may want to recommend that noticing be done differently in the future. He also referred to Section 67f of the Ordinance which parallels the Brown Act and contemplates that meetings may be called by a majority of a commission without causing a violation.

Task Force members discussed how to best respond to the complaint from the Coalition and the request from the Economic Vitality and Social Policy Commtteee to investigate this matter. The Task Force could state that a violation appears to have occurred; could could request that the Board legislate a requirement that proof of service be required for meeting notices to commissioners; Task Force could be adjudicatory and request and pore over documentation relative to each complaint

received and render decisions.

V. It being well after 5 pm and the risk of losing a quorem, the Task Force took up the item amending the rules and regulations (Article V, Section 1) to establish the regular meeting room as room 2001, 1660 Mission Street. Hestor moved, Brugmann seconded, vote unanimous.

VI. Public Comment.Maureen McClendon distributed a complaint, available at the Task Force office, regarding hiring and other practices at the Youth Guidance Center.

Returning to the Juvenile Probation Commission discussion, Van Ness moved that "The Task Force believes a violation or violations of the Sunshine Ordinance and Brown Act may have occurred and requests that the City Attorney and the DA pursue the matter including seeking injunctive, mandatory, and declaratory relief or voiding action taken in violation of the Sunshine Ordinance and the Brown Act." Brugmann seconded.

In discussion, Ramirez said he wnats to send questions to the JPC commissioners regarding conversations which occured, He would not feel comfortable voting in favor without more information. Hestor said she needs more information including the rules and regulations of the Commission, notices and how thery were sent, and to hear from the president of the Commission. Taylor said that one can comply with the letter but not the spirit of the Ordinance and that the Task Force should try to instill the spirit. Hestor wants to concentrate on the therapeutic role of the Task Force, to make recommendations on how to better comply. Brugmann said that something was done wrong, he agrees with Hesstor that the Task Force's recommendations should be as Ispecific and helpful as possible and that although he had seconded the motion to focus the discussion he would withdraw his second.

With the departure of Chafee at 6:30 the quorem was lost and the meeting ended.

Sunshine Ordinance Task Force

City and County of San Francisco

DOCUMENTS DEPT.
OCT 14 1994
SAN FRANCISCO
PUBLIC LIBRARY

SUNSHINE ORDINANCE TASK FORCE
MEETING OF WEDNESDAY, OCTOBER 19, 1994

4:00 PM - 1660 MISSION STREET, CONFERENCE ROOM #2001

1. Roll Call

2. Consideration and adoption of minutes of September 21

3. Report of the Clerk and City Attorney

   a. Report of Clerk on communications to the Task Force

   b. Report of Clerk on complaints lodged in past month

   c. Report on followup by City Attorney in complaints forwarded to him

4. Questions and Matters from members of the Task Force

   a. Update on seat for Radio-Television-News Directors Association

   b. Other matters from members of the Task Force

5. Recommendation to the Board of Supervisors on composition of the membership on the Task Force, in particular the seat currently designated for the San Francisco Foundation, and consideration on a policy regarding non-attendance at Task Force meetings

6. Communications to Departments, Commissions, etc. about need to change rules and regulations due to closure of City Hall and to review policy on record disposal

7. Continued discussion and possible action on issues regarding compliance by **Juvenile Probation Commission** with Sunshine Ordinance:

   Letter dated July 14, 1994 from Board of Supervisors Economic Vitality and Social Policy Committee requesting investigation on whether violations of Brown Act and/or Sunshine Ordinance have occurred with regard to the Commission's consideration of the status of the Chief Probation Officer.

   Material sent with 8/94 agenda, submitted at 9/94 meeting

(This matter is continued from the September 21 meeting)
PLEASE NOTE: This matter will not be called prior to 4:30.

8. Further discussion and adoption of work program and schedule

   a. Adoption of complaint form (Prowler)

   b. Adoption of letter to go with complaint form (Hestor)

   c. Policy for intake of complaints (Hestor)

   d. Standards for conduct by members of Sunshine Ordinance Task Force on issues relating to Brown Act, Public Records Act and Sunshine Ordinance (Hestor)

   e. Request that letter go to Police Commission transmitting complaint by member of Task Force and related items (Perry)

      9/27/94 letter Perry to Prowler
      9/27/94 letter Perry to Hestor
      9/27/94 letter Perry to Police Commission
      9/27/94 letter Perry to Chaffee

   f. Policy for handling correspondence to and from Task Force (Brugmann)

   g. Record keeping of written complaints (Perry)

      2 letters of 10/3/94

      Additional material on the work program was distributed at September meeting

   h. Other matters regarding work program

      (This matter is continued from the August 17 meeting)

9. Discussion and possible action on seriatim meetings

10. Other issues regarding compliance with the Sunshine Ordinance

    NOTE: Matters brough up under this item may not be considered for action at this meeting. Issues that are raised here may be put on a future agenda.

11. Public Comment
    This will be the first new item considered after 5:00 pm

12. Setting of Agenda for the next meeting

13. Adjournment

ACCESSIBLE MEETING INFORMATION

The nearest BART station is the 16th Street Mission Station. Accessible MUNI/Metro lines serving this location are the J, K, L, M and N which stop at VAn Ness Avenue and Market Street, and the 14th Mission, 12 Ocean bus lines. For information about MUNI accessible services call (415) 923-6142.

Accessible parking is available in the 1660 Mission Street, San Francisco Permit Center parking lot located at the Otis Street entrance.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

A sound enhancement system will be available upon request. Please contact Peter Fries at (415) 558-6164 at least 72 hours in advance of the meeting.

A sign language interpreter will be available upon request. Please contact Peter Fries at (415) 558-6164 at least 72 hours in advance of the meeting.

F
88
2
1/19/94

SF

DOCUMENTS DEPT

DEC 11 1995

SAN FRANCISCO
PUBLIC LIBRARY

Sunshine Ordinance Task Force

Draft Minutes

Task Force Meeting of October 19, 1994
Room 2001, 1660 Mission Street

The meeting began at 4:08

1. Role Call: In attendance: Task Force members: Hestor, Ramirez, Van Ness, Chaffee, McQuarters, Pritzker, Perry, Taylor, Nishioka, Prowler. City Attorney: Delventhal
Absent: Cuthbert

2. Minutes: Hestor requested that absences be noted in minutes. Ramirez requested that last minutes reflect his request that documentation of complaints be submitted in writing. Brugmann moved adoption; Mcquarters seconded. Unanimous approval.

3.a. Communications. Prowler reported that Cuthbert has resigned and that the League of Women Voters would like to continue being represented. Interest in representation has also come from a staff member of Citiwatch TV show. Letters received were distributed and are available for examination in the office of the clerk of the Task Force. Prowler also said that Supervisor Kennedy has introduced the resolution requesting other bodies to comply with the Ordinance's requirements.
3.b. Complaints. A complaint was received about Library Commission restriction of public comment. In fact, the Commission has increased public comment.
3.c. Delventhal reported that the complaint against the Police Department for excessive redaction of information about police officers' off-duty employment has been resolved.

4.a. Update on Radio-TV - News Directors Seat. Taylor reported that although a name had been submitted by the above, the nominee has withdrawn.

Van Ness moved that the Task Force urge the Board to de-designate the Radio- TV-News Directors seat and the San Francisco Foundation seat. Those seats would be replaced by a seat for a member of the press or electronic media and a requirement that one member of the Task Force shall be a member of the public who is disabled.. McQuarters seconded. Passed unanimously.

5. Recommendation to the Board on composition of Task Force.
San Francisco Foundation does not want to refill its seat on the Task Force. Cuthbert has resigned from the League of Women Voters seat but reports that they wish to name another representative. The Radio- TV- News Directors seat has never been filled. Richard Rothman requested that a seat on the Task Force be set aside for a disabled person.

6. Communications regarding closure of City Hall.
Hestor referenced the need to notify departments that when City Hall is closed commissions must formally change their designated meeting locations. Larry Bush said that the Mayor's Office has no policy on records retention and disposal.
McQuarters moved that the Task Force send a letter to the CAO, Mayor, Board, elected officials, and CIty Attorney pointing out the need to change rules about meeting locations, and the need to have paper retention and disposal policies, and asking that they send copies of their policies to the Task Force. Brugmann seconded. Passed unanimously.

7. Discussion and action on complaints about Juvenile Probation Commission

In Discussion:
Perry: There are four separate complaints.
Van Ness: Carl Williams wants findings of fault, but is the Task Force adjudicatory? He is satisfied that something went wrong.
Brugmann: The Minnesota News Council is a good model of what the Task Force should do with complaints. He supports the draft letter proposed to be sent to the Juvenile Probation Commission.
There was a great deal of discussion of the chronology of notices sent and meetings held and cancelled at the Juvenile Probation Commission and their Personnel Committee
McQuarters: Let's move on to the proposed letter.
Perry moved that point #3 in the draft letter to the Juvenile Probation Commission be changed to say that both the public and commissioners should be given as much notice for special meetings as for regular ones in the absence of urgency. Brugmann seconded. Passed unanimously.
Hestor moved that the letter urge that all notices have on them the date and time and method of giving notice. Brugmann seconded. Passed unanimously.
McQuarters moved that the letter urge that commission members and employees responsible for preparation of meeting notices and agendas be required to become familiar with the Brown Act and Sunshine Ordinance. Pritzker seconded. Passed unanimously.
Hestor moved that the letter urge that committees of the Commission not be composed of a quorum of the Commission. McQuarters seconded. Passed unanimously.
Ramirez moved that letter be sent as amended. Perry seconded. Passed unanimously.
Van Ness moved that copies be sent to the Mayor, Board of Supervisors, Fred Jordan. Perry seconded. Passed unanimously.
Chaffee moved that City Attorney be requested to give an opinion on whether committees of commissions can be constituted of a quorum of the whole body. Perry seconded. Passed unanimously.

PUBLIC COMMENT

Shelley Salieri reported that the Transportation Authority Citizens Advisory Committee will be following the requirements of the Sunshine Ordinance voluntarily.

Terry Francke of the First Amendment Project said that it appears that the Task Force is in danger of becoming a complaint-driven body while most violations are likely to be procedural foul-ups.

8. Discussion of Work Program. Editorial changes to the complaint form were made. Perry moved changes, Brugmann seconded. Passage was unanimous.

Perry moved the approval of the form letter to be sent to complainants. Brugmann seconded. Vote unanimous (additional absences: Van Ness, Ramirez)

McQuarters moved the procedure for intake of complaints. Perry seconded. Passed unanimously (additional absences: Van Ness, Ramirez)

After some discussion on rules of conduct for Task Force members, proposed by Hestor, Perry left at 7 PM. Quorum being lost, the meeting adjourned.

2

SUNSHINE ORDINANCE TASK FORCE
MEETING OF WEDNESDAY, NOVEMBER 16, 1994
4:00 PM 1660 MISSION STREET, ROOM 2001

DOCUMENTS DEPT.

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

AGENDA

1. Roll Call

2. Consideration and adoption of minutes of October 19 meeting

3. Report of the Clerk and City Attorney

   a. Report of the Clerk on communications to the Task Force
   b. Report of the Clerk on complaints lodged in the past month
   c. Report on follow up by City Attorney of complaints forwarded to him.

4. Questions and Matters from members of the Task Force

   a. Setting a date for December Task Force meeting
   b. Update on revisions to Task Force membership
   c. Update on seat for Radio-Television- News Directors Association
   d. Other matters from members of the Task Force

5. Further discussion and adoption of work program and schedule

   a. Draft work program dated 8/24/94 (Perry)

   b. Standards for conduct by members of Task Force on issues relating to Brown Act, Public Records Act, and Sunshine Ordinance (Hestor) Discussion continued from October meeting)

   c. Request that letter go to Police Commission transmitting complaint by member of Task Force and related items (Perry)
      9/27/94 letter Perry to Prowler
      9/27/ 94 letter Perry to Hestor
      9/27/94 letter Perry to Police Commission
      9/27/94 letter Perry to Chaffee
      9/20/94 letter Perry to Police Commission
      (Continued from October meeting)

   d. Policy for handling correspondence to and from Task Force (Brugmann,Minnesota News Council) (Continued from October meeting)

   e. Record keeping of written complaints (Perry)
      2 letters of 10/3/94 (continued from October meeting)

f. Consideration of action regarding dissemination of information to the public at City offices about copying charges and the public's rights under the Sunshine Ordinance

g. How to provide adequate information on location, date and time of all City Commission and Task Force meetings via directories and posting , with a view to making recommendations to the Board of Supervisors and Mayor

h. Other matters regarding work program

i. Sunshine Ordinance Citizens' Bill of Rights

6. Discussion and possible action on seriatim meetings

7. Other issues regarding compliance with the Sunshine Ordinance
   NOTE: matters brought up under this item may not be considered for action at this meeting. Issues that are raised here may be put on a future agenda.

8. Public Comment: This will be the first new item considered after 5 P.M.

9. Setting of the Agenda for the next meeting.

10. Adjournment

ACCESSIBLE MEETING INFORMATION
The nearest BART station is the 16th Street Station. Accessible Muni lines serving this location are the J, K, L, 14, and 12 lines. For information about Muni accessible service call 415-923-6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A Sound enhancement system or sign language interpreter will be available upon request by contacting Peter Fries at 558-6164 at least 72 hours in advance of the meeting.

SF
S88 SF
2
1/6/94

DOCUMENTS DEPT.
DEC 11 1995
SAN FRANCISCO
PUBLIC LIBRARY

DRAFT MINUTES
SUNSHINE ORDINANCE TASK FORCE
MEETING OF NOVEMBER 16, 1994

Meeting was called to order at 4:25

1. ROLL CALL : In Attendance: members: Brugmann, Chaffee, Hestor, McQuarters, Perry, Pritzker. Ex Officio: Nishioka, Prowler. City Attorney: Riddle.
Absent members: Ramirez, Van Ness.

2. MINUTES. Discussion of whether minutes accurately reflected action taken on letter to Board of Supervisors regarding Task Force membership. Consensus was that minutes were accurate. Hestor will send clarifying letter to Board. Paul Church, a member of the public commented that seat should be set aside for disabled advocate rather than disabled individual. Approved with the following changes: Brugmann was present. Roll Call was misspelled. Pritzker moved, Perry seconded. Vote was unanimous.

3. REPORT OF THE CLERK AND CITY ATTORNEY. Prowler reported that a fax was received from Shelley Celery and circulated it. Reported that letters were sent to the Juvenile Probation Commission transmitting findings of the Task Force and suggestions. Letter was sent to Board of Supervisors regarding Task Force composition and vacancies. Prowler reported on plans for public information during City Hall move: a banner may be hung from City Hall, press campaign will be undertaken, an 800 phone number for information is being considered, flyers will be published, and memos will be sent to each City department with suggestions.
No complaints of Ordinance violations were received since the last meeting.
There was some discussion of a previous complaint about the Library Commission. Complainant will be sent a complaint form.
Riddle reported that a Deputy City Attorney is researching a question posed at the last meeting regarding the legality of committees constituting a quorum of a commission.

4. QUESTIONS AND MATTERS FROM MEMBERS OF THE TASK FORCE.
Brugmann moved and McQuarters seconded changing the December meeting date to December 14. Vote was unanimous.
Hestor reported that the Board of Supervisors Committee meeting to discuss Task Force membership will be held on December 6.
Hestor reported that the News Directors will nominate a member for consideration for appointment to the Task Force. Hestor sent a notice of availability of a seat to disabled advocacy groups.
In response to a query by Perry, Riddle explained passive meeting rules; i.e. that meetings must be open to the public but not necessarily posted or otherwise noticed.
Brugmann pointed out the need for a list of task forces and committees and their contacts.

5. FURTHER DISCUSSION AND ADOPTION OF WORK PROGRAM AND SCHEDULE. The complaint form and cover letter were previously adopted. The Bill of Rights will be put on the next agenda. The intake procedure was previously adopted. Hestor moved that: when informal resolution by staff and/or City Attorney is unsuccessful in the eyes of complainant, complainant shall be requested to file a written complaint specifying violations and providing supporting documents. Brugmann seconded. Vote was: In favor: Hestor, Pritzker, Brugmann, McQuarters. Opposed: Chaffee and Perry.

It was decided that Prowler will develop a log for complaints.

Hestor agreed to draft language regarding dealing with departments on complaints.

It was agreed that the report to the Board of Supervisors will be on the December Task Force calendar.

There was consensus that the Secretary of the Task Force will write and send routine correspondence with the exception of "due process" letters about complaints, which Hestor will send.

After description of the workings of the Minnesota News Council, Brugmann moved that " the Task Force adopt an informal open hearing process on the model of the Minnesota News Council in hearing complaints of the Sunshine Ordinance" Perry seconded. Vote was unanimous.

Meeting adjourned at 6:49.

SF
S88
#1
12/14/94

Sunshine Ordinance Task Force

City and County of San Francisco

DOCUMENTS DEPT.
DEC 9 1994
SAN FRANCISCO
PUBLIC LIBRARY

SUNSHINE ORDINANCE TASK FORCE

SPECIAL MEETING OF WEDNESDAY, DECEMBER 14, 1994

4:00 pm - 1660 MISSION STREET, CONFERENCE ROOM #2001

Please note: The regular meeting of the Task Force set for Wednesday, December 21, 1994 has been cancelled due to the holidays.

1. Roll Call
2. Consideration and adoption of minutes of November 16
3. Report of the Clerk and City Attorney
   a. Report of Clerk on communications to the Task Force
   b. Report of Clerk on complaints lodged in past month
   c. Report on followup by City Attorney of complaints forwarded to that office
4. Questions and Matters from members of the Task Force
   a. Update on revisions to Sunshine Ordinance re Task Force membership
   b. Update on vacant seats
   c. Update on matters related to moving City offices, including records retention and disposal
   d. Report to the Board on delay of Task Force's annual report pursuant to Sunshine Ordinance
   e. Other matters from members of the Task Force
5. Request from the Health Commission that the Board of Supervisors amend the Sunshine Ordinance so that rates of payment between the Department of Public Health and health care service plans for managed care remain confidential - pursuant to an exemption from Public Records Act provisions in Evidence Code §1040. (This material will be available on Friday, December 9)

Room 289 City Hall (415) 554-7940 San Francisco, CA 94102

6. Further discussion and adoption of work program and schedule

   a. Continued consideration of draft (2 pp) work program dated 8/24/94, as revised by previous actions of Task Force (Perry)

   b. Standards for conduct by members of Sunshine Ordinance Task Force on issues relating to Brown Act, Public Records Act and Sunshine Ordinance (Hestor) (Discussion continued from October meeting)

   c. Sunshine Ordinance Citizen's Bill of Rights

   d. Consideration of action regarding dissemination of information to the public at City offices about copying charges and the public's rights under the Sunshine Ordinance

   e. How to provide adequate information on location, date and time of all City Commission and Task Force meetings via directories and postings - with a view to making recommendations to the Board of Supervisors and Mayor

   f. Other matters regarding work program

7. Discussion and possible action on seriatim meetings

8. Other issues regarding compliance with the Sunshine Ordinance

   NOTE: Matters brought up under this item may not be considered for action at this meeting. Issues that are raised here may be put on a future agenda.

9. Public Comment
   <u>This will be the first new item considered after 5:00 pm.</u>

10. Setting of the Agenda for the next meeting

11. Adjournment

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View, N-Judah, 14-Mission, 14- Mission limited, and 42-Downtown Loop. For more information about Muni accessible lines, call 415-923- 6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system of sign language interpreter will be available upon request by contacting Peter Fries at 558-6164 at least 72 hours in advance of the meeting.

SF
SF
388
2
1/14/94

DOCUMENTS DEPT.
DEC 11 1995
SAN FRANCISCO
PUBLIC LIBRARY

MINUTES
SUNSHINE ORDINANCE TASK FORCE
MEETING OF DECEMBER 14, 1994

1.The meeting began with Roll Call at 4:08 pm.
In attendance: Bellingham, Brugmann, Chaffee, Hestor, McQuarters, Perry, Pritzker, Prowler, Ramirez, Van Ness- Ballesteros.

2. Minutes. Upon motion by Chaffee, seconded by McQuarters, November minutes were adopted unanimously.

3. Prowler distributed correspondence received since last meeting. One complaint was received from a chemical manufacturer requesting documents from Muni. Complaint has been referred to the City Attorney and almost all documents are being provided. Prowler will continue to pursue the complaint and both Prowler and the complainant are optimistic.

Buck Delventhal, Deputy City Attorney, responding to a reminder from Chaffee, will have an answer to a previous question regarding whether committees of commissions can legally be of sufficient size to constitute a quorum of the whole.

Hestor introduced Bruce Bellingham and welcomed him to the Task Force. She reported that the Board has had First Reading of the proposed changes to the composition of the Task Force. Perry reported that she has spoken with the League of Women Voters and that they will nominate a representative to the Task Force in the new year.

Hestor requested from Delventhal the Mayor's record retention policy. He will have a report in the future. Van Ness requested from the City Attorney an opinion regarding public access to records of Patrol Specials. Delventhal will research and a report will be made.

4, Dr. Sandra Hernandez, Director of the Department of Public Health, explained why the Department has requested that the Board of Supervisors exempt a portion of a contract under consideration from the disclosure requirements of the Sunshine Ordinance. These reasons are spelled out in Dr. Hernandez's letter to the Task Force dated December 9, 1994. Briefly, the concern of the Department is that disclosing rates in the contract between the City and Pacificare, a health plan, would jeopardize the City's negotiating ability for this and future contracts.

Van Ness supported the request as a public health issue,

Brugmann asked whether the process which led to negotiations with Pacificare was a competitive one. Dr Hernandez replied that nobody else was interested in providing the service.

Eric Gold, a member of the California Medical Assistance Commission referenced the State's experience with similar contracts and argued for non-disclosure.

Perry asked whether the proposed amendment would allow other City departments to conceal contract terms. Paula Jesson of the City Attorney's office replied that the proposed exemption applies only to this particular contract.

Van Ness moved that the Task Force send a letter to the Board of Supervisors supporting the amendment and stating concerns that in the future such amendments be directed to the Task Force earlier and that exemptions to the Ordinance be drafted as amendments to the Sunshine Ordinance itself rather than the Administrative Code as is the current case. Ramirez seconded. In favor: Ramirez, Van Ness, Hestor, Mcquarters. Opposed: Pritzker, Brugmann, Chaffee, Bellingham. Absent: Perry.

June Gutfleisch of Supervisor Bierman's office spoke up in support of the amendment.

Van Ness moved that the Task Force send a letter to the Board stating that the Task Force supports the ability of the Department of Public Health to negotiate the best rate. The Task Force remains in favor of the public' right to know and makes no recommendation ont the request from the Department. Bellingham seconded. In Favor: Ramirez, Van Ness, Hestor, McQuarters, Pritzker, Chaffee, Bellingham. Opposed: Brugmann.

Hestor stated that for discussion of the proposed Sunshine Ordinance Bill of Rights the Task Force will need input from the City Attorney. She wants all communication from individual Task Force members to the Task Force to be sent via the Clerk to avoid constituting seriatim meetings.

Meeting adjourned at 6:30

F
88
T
8195

Sunshine Ordinance Task Force

City and County of San Francisco

DOCUMENTS DEPT.
JAN 10 1995
SAN FRANCISCO
PUBLIC LIBRARY

SUNSHINE ORDINANCE TASK FORCE

MEETING OF WEDNESDAY, JANUARY 18, 1995

4:00 pm - 1660 MISSION STREET, CONFERENCE ROOM #2001

1. Roll Call
2. Consideration and adoption of minutes of December 14
3. Report of the Clerk and City Attorney
   a. Report of Clerk on communications to the Task Force
   b. Report of Clerk on complaints lodged in past month
   c. Report on followup by City Attorney of complaints forwarded to that office
4. Questions and Matters from members of the Task Force
   a. Status of amendment to Sunshine Ordinance re Task Force membership
   b. Update on vacant seats
   c. Status of amendment re Health Department rate confidentiality
   d. Records Retention and Disposal Policy

      Mayor's Office policy

      Other issues related to relocation of City offices

      Task force compilation of such policies

   d. Other matters from members of the Task Force
5. San Francisco Patrol Specials compliance with requirements of Sunshine Ordinance
6. Further discussion and adoption of work program and schedule (continued from earlier meetings)
   a. Continued consideration of draft (2 pp) work program dated 8/24/94, as revised by previous actions of Task Force (Perry)

Room 289 City Hall (415) 554-7940 San Francisco, CA 94102

b. Standards for conduct by members of Sunshine Ordinance Task Force on issues relating to Brown Act, Public Records Act and Sunshine Ordinance (Hestor) (Discussion continued from October meeting)

c. Sunshine Ordinance Citizen's Bill of Rights, including input from City Attorney

d. Consideration of action regarding dissemination of information to the public at City offices about copying charges and the public's rights under the Sunshine Ordinance

e. How to provide adequate information on location, date and time of all City Commission and Task Force meetings via directories and postings - with a view to making recommendations to the Board of Supervisors and Mayor

f. Other matters regarding work program

7. Discussion and possible action on seriatim meetings

8. Other issues regarding compliance with the Sunshine Ordinance

NOTE: Matters brought up under this item may not be considered for action at this meeting. Issues that are raised here may be put on a future agenda.

9. Public Comment
This will be the first new item considered after 5:00 pm.

10. Setting of the Agenda for the next meeting

11. Adjournment

ACCESSIBLE MEETING INFORMATION

The nearest BART station is the 16th Street Mission Station. Accessible MUNI/Metro lines serving this location are the J, K, L, M and N which stop at Van Ness Avenue and Market Street, and the 14 Mission, 12 Ocean bus lines. For information about MUNI accessible services call (415) 923-6142.

Accessible parking is available in the 1660 Mission Street, San Francisco Permit Center parking lot located at the Otis Street entrance.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

A sound enhancement system will be available upon request. Please contact Peter Fries at (415) 558-6164 at least 72 hours in advance of the meeting.

A sign language interpreter will be available upon request. Please contact Peter Fries at (415) 558-6164 at least 72 hours in advance of the meeting.

DOCUMENTS DEPT

DEC 11 1995

SAN FRANCISCO
PUBLIC LIBRARY

Draft Minutes

Sunshine Ordinance Task Force
Meeting of January 18, 1995

1. Roll Call: In attendance: Bellingham, Hestor, McQuarters, Perry, Pritzker, Prowler Ramirez, Van Ness-Ballesteros. Deputy City Attorney Amy Ackerman represented the City Attorney's Office.
Chaffee arrived at 5:07

2, Van Ness-Ballesteros moved adoption of the December minutes. Mcquarters seconded. The vote was unanimous.

3. Report from Clerk. Prowler summarized letters received (available for review and circulated). No new complaints of violations of the Ordinance were filed.

Amy Ackerman of the City Attorney's office provided an opinion on whether a committee of a commission must be smaller than a quorum. Prowler will send that opinion in the next Task Force packet.

A letter was received from John Taylor regarding Task Force membership. The SF Foundation seat has been deleted.

Brian McInerney of the Mayor's Office presented the Mayor's Office records retention and disposal policy. Hestor requested that Prowler obtain the Board of Supervisors' policy.

Van Ness requested that in the future complaint forms be sent to parties copying the Task Force on complaints or requests to departments.

4. Christopher Daly and Al Stancombe discussed Mr. Daly's request for information regarding Patrol Specials in the Castro. Daly requests contracts with Castro businesses, law enforcement information, and correspondence between the Castro District Patrol Specials and the Patrol Special Police Officers Association since May of 1994.

5. Public Comment. Timothy Gillespie suggested that the Task Force encourage public comment on each item.

6. Hestor asked that Prowler re-circulate the draft work program and standards of conduct in the next packet along with the City Attorney's comments on the proposed bill of rights.

At 6 PM the meeting adjourned.

DOCUMENTS DEPT.
FEB 14 1994
SAN FRANCISCO
PUBLIC LIBRARY

NOTICE OF MEETING CANCELLATION

The meeting of the Sunshine Ordinance Task Force previously scheduled for Wednesday, February 15 has been cancelled.

Please note that from February 20, 1995 the new address of the office of the Task Force will be:

Sunshine Ordinance Task Force
Office of the Chief Administrative Officer
401 Van Ness Room 402
San Francisco, 94102

SF
588
1
3/15/95

Sunshine Ordinance Task Force

City and County of San Francisco

DOCUMENTS DEPT.
JAN 17 1996
SAN FRANCISCO
PUBLIC LIBRARY

SUNSHINE ORDINANCE TASK FORCE

MEETING OF WEDNESDAY, MARCH 15, 1995

4:00 pm - 1660 MISSION STREET, CONFERENCE ROOM #2001

1. Roll Call
   a. Seat new member of Task Force
2. Consideration and adoption of minutes of January 18
3. Report of the Clerk and City Attorney
   a. Report of Clerk on communications to the Task Force
   b. Report of Clerk on complaints lodged in past month
   c. Report on followup by City Attorney of complaints forwarded to that office
4. Questions and Matters from members of the Task Force
5. City Attorney memo of 1/16/95 re committee composed of a majority of the members of a committee
6. Annual report to the Board of Supervisors
7. Further discussion and adoption of work program and schedule (continued from earlier meetings)
   a. Sunshine Bill of Rights - revised draft from Joe Van Ness incorporating Chaffee and Perry material (continued from January meeting)

   NOTE: City Attorney memo of January 9, 1995 (1994) distributed with notice of cancellation of February meeting

   b. Draft (2 pp) work program by Perry dated 8/24/94, as revised by previous actions of Task Force
   c. Standards for conduct by members of Sunshine Ordinance Task Force on issues relating to Brown Act, Public Records Act and Sunshine Ordinance (Hestor) (Discussion continued from October meeting)

d. Consideration of action regarding dissemination of information to the public at City offices about copying charges and the public's rights under the Sunshine Ordinance

e. How to provide adequate information on location, date and time of all City Commission and Task Force meetings via directories and postings - with a view to making recommendations to the Board of Supervisors and Mayor

f. Other matters regarding work program

8. Other issues regarding compliance with the Sunshine Ordinance

NOTE: Matters brought up under this item may not be considered for action at this meeting. Issues that are raised here may be put on a future agenda.

9. Public Comment
This will be the first new item considered after 5:00 pm.

10. Setting of the Agenda for the next meeting

11. Adjournment

ACCESSIBLE MEETING INFORMATION

The nearest BART station is the 16th Street Mission Station. Accessible MUNI/Metro lines serving this location are the J, K, L, M and N which stop at VAn Ness Avenue and Market Street, and the 14th Mission, 12 Ocean bus lines. For information about MUNI accessible services call (415) 923-6142.

Accessible parking is available in the 1660 Mission Street, San Francisco Permit Center parking lot located at the Otis Street entrance.

Accessible seating for persons with disabilities (including those using wheelchairs) will be available.

A sound enhancement system will be available upon request. Please contact Peter Fries at (415) 558-6164 at least 72 hours in advance of the meeting.

A sign language interpreter will be available upon request. Please contact Peter Fries at (415) 558-6164 at least 72 hours in advance of the meeting.

SF
Sunshine Ordinance Task Force
SF
S88
#2
3/15/95
DOCUMENTS DEPT.
JAN 17 1996
SAN FRANCISCO
PUBLIC LIBRARY

MINUTES

MEETING OF MARCH 15, 1995

1. Roll Call. The meeting was convened at 4:10 PM. In attendance: Bellingham, Brugmann, Chaffee, Hestor, McQuarters, Nishioka, Planthold, Pritzker, Prowler. Taylor arrived at 6:25. Amy Ackerman represented the City Attorney. Absent: Perry, Ramirez, Van Ness-Ballesteros

2. Consideration of minutes. Minutes of January 18 minutes amended to reflect starting time of 4:10 and to correctly spell McQuarters. Moved by Pritzker, seconded by Bellingham, passed unanimously.

3. Report of Clerk and City Attorney

a. Prowler listed correspondence received since last meeting and circulated the correspondence file.
b. Complaint was received about excessive copying cost at Dept. of Human Resources referred to City Attorney.
c. City Attorney summarized opinion regarding coverage of Patrol Specials by Ordinance, stating that they're not covered. Brugmann said that maybe they should be; the question will be calendared with other proposed amendments to the Board.

4. Questions and Matters from members of the Task Force
Chaffee requested opinion from City Attorney regarding ability of members of Boards and Commissions to attend and testify at meetings of Committees. Ackerman to research.

Chaffee and Planthold complained about cancellation of February meeting. Chaffee to draft by laws language regarding how to cancel meetings.

Planthold pointed out that there was no record of room reservation. Prowler to reconfirm room availability into the future.

Chaffee asked that his memo on seriatim meetings be placed on the April calendar, along with election of officers.

Planthold complained that while law requires that agendas be posted no later than 72 hours before a meeting, that is the same notice period required to request a sign language interpreter, so a deaf person could not have enough time to make such a request if the agency waited until the last minute to announce its agenda. He also called for an annual training for all commissioners regarding the Sunshine Ordinance.

5. Ackerman reviewed the opinion on committees composed of quorums.

6. Annual Report to the Board of Supervisors.

Hestor led the discussion of what should be included in the annual report to the Board. It was agreed that the report needs a summary of complaints and their outcomes. Prowler will draft. The report should include recommended changes to the Ordinance, set for discussion at the April meeting. Proposed changes include increasing time of notices to increase opportunity for deaf interpreters;adding Patrol Specials , Redevelopment and Housing Authority to the requirements of the Ordinance. McQuarters will follow up with Van Ness-Ballesteros on status of requests to those bodies. Prowler asked that the report also include the Task Force's vision of its future role and plan for the coming year. Hestor to draft that section. The report should also include what the Task Force has accomplished to date: obtaining records retention and disposal policies, adopted forms and policies for hearings and complaints, etc. McQuarters said that the Task Force should request funding and increased police powers. Prowler suggested that the Task Force request that the Board hold a hearing on the report so that the public can testify suggesting changes to the ordinance. Hestor urged drafters to submit their sections by April 3.

Skipped to:

9. Public Comment:

Landis Whistler: Asked City Attorney further questions about commissioners attending and participating in committee meetings. Do they have rights beyond those of general public? If the committee doesn't have a quorum can other commission members present count toward the quorum even if they're not committee members? Ackerman will research and respond. Whistler also announced that the League of Women Voters is about to republish their guide to City Hall listing all boards and commission and their members.

Timothy Gillespie: It's not enough for the Board committee to hold a hearing on the Ordinance; the public is very concerned about the issues of sunshine and the Board is an intimidating forum. He himself felt unwelcome to testify at the last task Force meeting and wants public specifically invited to testify on each item. He doesn't want to see suggested changes to the Ordinance put in the annual report.

Planthold, as a member of the public (?): The muni information on the Task Force agenda is wrong. Prowler will correct.

7. Sunshine Bill of Rights
On the question of whether to rename the Bill of Rights as the Summary of Rights: Planthold for; Bellingham, McQuarters, Brugmann, Chaffee, Pritzker, and Hestor against. Various changes to the document were agreed upon. The draft revised Bill of Rights is attached and will be voted upon at the April meeting.

After brief discussion, the standards for conduct were tabled until the next meeting.

Meeting adjourned at 7PM

Sunshine Ordinance Task Force

City and County of San Francisco

SUNSHINE ORDINANCE TASK FORCE

MEETING OF WEDNESDAY, APRIL 19, 1995

4:00 pm - 1660 MISSION STREET, CONFERENCE ROOM #2001

BUSINESS-SCIENCE
DOCUMENTS DEPT.

APR 14 1995

SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call

   NOTE: PUBLIC COMMENT IS INVITED ON EACH AGENDA ITEM

2. Consideration and adoption of minutes of March 15

   a. Approval of final version of "Bill of Rights"

3. Report of the Clerk and City Attorney

   a. Report of Clerk on communications to the Task Force

   b. Report of Clerk on complaints lodged in past month

   c. Report on followup by City Attorney of complaints forwarded to that office

4. Questions and Matters from members of the Task Force

5. Annual election of Task Force officers

6. Annual report to the Board of Supervisors

   a. Complaints to Task Force and Disposition (Prowler, Perry)

   b. Recommended changes to ordinance, including provisions regarding assistance for disabled persons (Planthold, Pritzker)

   c. Status of voluntary adoption of Sunshine Ordinance provisions by other agencies (McQuarters, Van Ness)

   d. Analysis of reports from departments on implementation

   e. Availability of documents at hearings (Chaffee)

   f. Issues Task Force plans to handle in future (Hestor)

   g. How the City's lobbyists lobby for sunshine issues (Brugmann)

401 Van Ness, Room 402 (415) 554-7940 San Francisco, CA 94102

h. Funding and budget for Task Force (McQuarters)

i. Clarification of role of Task Force re "policing powers" related to departments

j. Problems with legislative amendments restricting application of Sunshine Ordinance, e.g. Health Department contracts (Hestor)

k. Procedures for Task Force "hearings" (Brugmann)

l. Task Force adopted policies and procedures (Pritzker)

m. Request that Board hold hearing on our report

n. Other matters related to annual report

7. Amendment of Task Force Rules and Regulations re cancellation of Task Force meetings

8. Issue of Seriatim meetings as violation of Sunshine Ordinance

9. Public Comment
This will be the first new item considered after 5:00 pm.

NOTE: Matters brought up under this item may not be considered for action at this meeting. Issues that are raised here may be put on a future agenda.

10. Setting of the Agenda for the next meeting

11. Adjournment

ADVANCE AGENDA -

Task Force meeting on Wednesday, May 17, will include a General Public Hearing on issues and problems the public confronts in dealing with the Sunshine Ordinance

Also at May 17 meeting, the Task Force will consider the adoption of Standards of Conduct for members of Sunshine Ordinance Task Force on issues relating to Brown Act, Public Records Act and Sunshine Ordinance.

Other remaining issues re the Task Force work program will be considered at the June 21 Task Force meeting

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14- Mission limited, and 42-Downtown Loop run nearby. The 9, 26, 66, and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415-923- 6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Peter Fries at 558-6164 at least 72 hours in advance of the meeting.

SF
S88
#2
4/19/95

DOCUMENTS DEPT

DEC 11 1995

SAN FRANCISCO
PUBLIC LIBRARY

SF

draft minutes

Sunshine Ordinance Task Force
meeting of April 19, 1995

Meeting began at 4:19 PM

1. Roll Call In Attendance: members: Bruce Brugmann, James Chaffee, Sue Hestor, Kathy Perry, Bob Planthold, Elizabeth Pritzker, David Prowler, Enrique Ramirez. Joe Van Ness-Ballesteros arrived at 5 PM.
Amy Ackerman represented the City Attorney's Office.

2. Minutes: with removal of question mark after "Planthold testified as member of public" minutes were of previous meeting were adopted unanimously. Planthold moved, Brugmann seconded.

2a. Adoption of Sunshine Ordinance Bill of Rights. The following changes will be made to the Sunshine Bill of Rights: It will be put on letterhead, preceded with language from the Ordinance, and dated with date of adoption. Addresses and phone numbers for the CAO's office, Board of Supervisors and Ethics Commission will be added. Underlining will be uniform. Other modifications will be made including language referencing the Brown Act and final copies will be available for the next meeting. With changes as discussed, Pritzker moved adoption of the Bill of Rights, Planthold seconded. Vote was unanimous.

3. Prowler reported on correspondence, copies of which are available for examination at the Office of the CAO. No new complaints were received since the last meeting but two were addressed. The Police Department responded to Al Stancombe's request and the Dept. of Human Resources explained their copying costs. Prowler announced that John Taylor, a member of the Task Force, was undergoing heart surgery and the Task Force wished him well. Prowler will not be able to attend the May meeting of the Task Force and Perry agreed to take minutes.

Amy Ackerman reported on the issue of copying costs at the Department of Human Resources.

Public comment: Timothy Gillespie asked that the Task Force discuss recommendation of a formal policy for posting of public notices at the library. Hestor would like to discuss this at the May Task Force meeting. Perry will invite a representative of the library.

Tangerine Brigham of the Department of Public Health presented a letter from Dr. Hernandez of the Department outlining a proposed amendment to the Ordinance and asking that it be calendared for discussion at the May meeting. Planthold asked that the SF Health Authority be asked to follow the Sunshine Ordinance

4. Questions and Matters from Members of the Task Force. Perry wants meetings taped.

There was discussion of availability of alternative formats for meetings. Prowler pointed out that as stated on the meeting notices arrangements will be made for people needing assistance.

Van Ness-Ballesteros resigned from the Task Force effective in June. He will begin process at Board for re-filling his seat.

5. Annual Election of Officers. Continued to May meeting.

6 Annual Report to Board of Supervisors
a. Hestor complained that complains summary is not uniformly formatted. Prowler to rewrite.
b. Planthold to provide language addressing need for 72-hour request for signer.
c. Board of Supervisors has requested voluntary adoption of Ordinance by various bodies. Ackerman reported that Transportation Authority has done so. Van Ness will follow up with Redevelopment Agency, Perry with Housing Authority, Brugmann with Community College and School District.
d. Perry will summarize Department responses to question about problems with Ordinance.
e. This item was dropped.
f. Hestor will re-write task list for coming year to include timeline, subcommittees.
g. Brugmann will draft language for consideration in the City's State Legislation Plan.

Meeting adjourned at 6:20.

Sunshine Ordinance Task Force

City and County of San Francisco

MEETING OF WEDNESDAY, MAY 17, 1995

4:00 pm - 1660 MISSION STREET, CONFERENCE ROOM #2001

1. Roll Call

   NOTE: PUBLIC COMMENT IS INVITED ON EACH AGENDA ITEM

2. Consideration and adoption of minutes of April 19

3. Report of the Clerk and City Attorney

   a. Report of Clerk on communications to the Task Force

   b. Report of Clerk on complaints lodged in past month

   c. Report on followup by City Attorney of complaints forwarded to that office, including a complaint regarding Police Department records

4. Questions and Matters from members of the Task Force

   a. Status of filling vacant League of Women Voters seat

   b. Publicity for June hearing on Sunshine Ordinance

5. Annual election of Task Force officers

6. Request by Department of Public Health regarding possible amendment to Ordinance regarding certain exemptions for reimbursement rates to the Department of Public Health

7. Annual report to the Board of Supervisors (continued from April meeting)

   The following components of the Annual report were previously adopted and will be part of the annual report:

   Sunshine Ordinance Bill of Rights
   Complaint form
   Procedure for Complaints
   Summary of activity - complaints to Task Force and their disposition
   Report on status of voluntary adoption of Sunshine Ordinance provisions by other agencies: Transportation Authority, Redevelopment Agency, Housing Authority, Community College District, San

DOCUMENTS DEPT.

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

Francisco Unified School District, San Francisco Health Authority

a. Discussion of formal policy for posting of notices of public meetings at the Library (Planthold)

b. Recommended changes to ordinance, including provisions regarding assistance for disabled persons (Planthold, Pritzker)

c. Analysis of reports from departments on implementation (Perry)

d. Request that there be standard language on agendas regarding Sunshine Ordinance (McQuarters)

e. Proposed policy on how the City's lobbyists lobby for sunshine issues (Brugmann)

f. Issues Task Force plans to handle next year (Hestor)

g. Funding and budget for Task Force (McQuarters)

h. Clarification of role of Task Force re "policing powers" related to departments

i. Problems with legislative amendments restricting application of Sunshine Ordinance, e.g. Health Department contracts (Hestor)

j. Procedures for Task Force "hearings" (Brugmann)

k. Task Force adopted policies and procedures (Pritzker)

l. Request that Board hold hearing on our report

m. Other matters related to annual report

8. Amendment of Task Force Rules and Regulations re cancellation of Task Force meetings

9. Issue of Seriatim meetings as violation of Sunshine Ordinance

10. Public Comment
This will be the first new item considered after 5:00 pm.

NOTE: **Matters brought up under this item may not be considered for action at this meeting. Issues that are raised here may be put on a future agenda.**

11. Setting of the Agenda for the next meeting

12. Adjournment

ADVANCE AGENDA -

Task Force meeting on Wednesday, June 21, will include a General Public Hearing on issues and problems the public confronts in dealing with the Sunshine Ordinance. This was re-set from May because of the need to finish the report to the Board of Supervisors at the May Task Force meeting. This will be the first item on the main agenda at that meeting. We encourage broad participation in this hearing.

Also at the June 21 meeting, the Task Force will consider the adoption of Standards of Conduct for members of Sunshine Ordinance Task Force on issues relating to Brown Act, Public Records Act and Sunshine Ordinance.

Any remaining issues re the Task Force work program will be considered at the July 19 Task Force meeting

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14- Mission limited, and 42-Downtown Loop run nearby. The 9, 26, 66, and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415-923- 6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Kwietha Bolden at 558-6164 at least 72 hours in advance of the meeting.

SF
SF
588
2
5/17/95

Sunshine Ordinance Task Force Draft Minutes of the Regular Meeting

DOCUMENTS DEPT.

DEC 11 1995

SAN FRANCISCO
PUBLIC LIBRARY

Date: May 17, 1995
Location: 1660 Mission Street, Conf. 2001
Meeting Type: Regular

Notice: David Prowler was excused from this meeting, the Secretary with assistance from task force members recorded the minutes of this meeting.

Meeting convened at 4:05 pm.

I. Roll Call

Present: Bruce Bellingham, Bob Planthold, James Chaffee, Sue Hestor, Elizabeth Pritzker Naomi Nishioka, Byron McQuarters, Joe Van-Ness Balesteros, Enrique Ramirez, Kathy Perry, Amy Ackerman represented the City Attorney's Office.

Excused: David Prowler, Bruce Brugmann, John Taylor

Other Attendees included invited representatives, Dr. Susan Hernandez, S.F. Dept. Public Health, and Kate Wingerson, Documents Division S.F. Public Library and other members of the general public

II. Minutes were approved with corrections to include information on absences, moved by Planthold, seconded by Mc Quarters unanimously approved.

III. Report of the clerk was provided by Naomi Nishioka in David Prowler's absence.

Reported information was as follows:

a) complaint against the San Francisco Police Department for lack of a response to a request for information. (one month time lapse)

b) correspondence folder was circulated for review

c) City Attorney reported the Transportation Authority voluntarily adopted a modified form of the Sunshine Ordinance, noted a few typographical errors.

d) regarding data compiling, state law is less restrictive than the Sunshine Ordinance, so use of the the stricter Sunshine Ordinance may affect how a city department initially levies fees.

In light of a lengthy correspondence noted at the meeting for the first time, Sue Hestor requested that the documents be circulated to the Task force in advance of the meetings, all communications should be consulted with the chair.

e) a member of the public was present to address any questions on the complaint regarding the police department.

Discussion:

Members of the task force debated on setting the agenda for June. Concerns were focused on the length of time for a complaint hearing and a hearing on the Sunshine Task Force impact from the general public.

Rothman a member of the public had a complaint which he would follow through with Ackerman and then to the task force, to inform them of the results of their meeting, before any further task force action would result.

IV. a) League of Women Voters still has a vacant seat, Kathy Perry was assigned to contact them and request a nomination.

b) Notice of vacancies would also be made to the press

c) Publicity for June hearing by the SOTF for the press was considered

d) Elizabeth Pritzker will prepare the press release

e) Bruce Bellamy will prepare a media list

Comments were:

*include community newpapers

*use the Library Distribution Center at 45 Hyde St.

*make a request from Supervisor Shelley to have a proclamation of Sunshine Ordinance Day to enhance the awareness by the public of the ordinance and to promote interest and participation at the June hearing

Action:

A motion to request the proclamation was made by Mc Quarters, seconded by Van-Ness Ballesteros and unanimously passed. Planthold will pursue the request.

V. Task Force election of officers:

Naomi Nishioka assisted in the election and the following

Task Force members were nominated and did accept their nominations and were voted to serve as:

Office:	Name:	Name:
Chair	James Chaffee	Sue Hestor
no.	5	4
V-Chair	Bob Planthold	Elizabeth Pritzker
no.	3	6
Secretary	Kathy Perry	
	9 (no other member was nominated)	
Media Liaison	Sue Hestor	Bob Planthold
	6	3

Results of the election were:

Chairman: James Chaffee
V. Chair: Elizabeth Pritzker
Secretary:Kathy Perry
Media Liaison: Sue Hestor

VI. Public Comment:

Timothy Gillespie expressed his concern about the lack of response from the Building Inspection Commission and urged the SOTF to calendar a hearing at the next meeting. He was concerned that the legal cost of defending the commission might prove to be costly to the city. He made a request for any member of the task force to motion for a hearing. His request was made to facilitate a discovery of the level of violations this commission may have incurred.

The task force has a standing rule that no immediate action shall be taken as a result of information provided during public comment time, and that the task force has established a protocol for filing complaints and responding to them. The task force through the chair directed Mr. Gillespie to follow this protocol.

Virginia Conway brought to the attention of the task force there was no notice posting regarding neighborhood based Department of Public Work actions in the main library. The task force was informed that notices are required to be posted in effected areas only.

VII. Presentation by Dr. Susan Hernandez

Dr. Hernandez provided the task force with a detailed

description of her request to the Board of Supervisors which would call for amending the Sunshine Ordinance. The amendment was presented and would be effective for a three year period.
Dr. Hernandez explained that the request was made to allow the Department of Health to remain competitive in the HMO market. The technical change would allow the Department of Public Health to conduct business with a specific HMO, without the requirement of Public disclosure of rates to be paid.

Dr. Hernandez requested the full support of the task force for the amendment.

Questions and Answers were facilitated.

ACTION:

Byron McQuarters moved to recommend the proposed amendment and was seconded by Bob Planthold, the motion carried with Chaffeee opposing.

VIII. a) A presentation by Kate Wingerson of the S.F. Library

The process for recording and posting notices was described and her direct phone number was provided: 557-4470

The task force discovered there was no formal procedure to inform the Documents Division of new task forces or commissions. The Library is not noticed officially. Section 8.6 of the Administrative Code was presented, and compliance by city departments is usually not complete.

Suggestions were offered:

*research more information on the "City Report Directory"

*Write a letter to the Mayor requesting compliance with section 8.6 from all city departments

*create a library database (this work would require additional volunteers to enter the information from about 400 to 4000 documents or a paid staff person)

b) Planthold presented his recommendation that the 72 hour notice be reduced to 48 hours requesting services for the disabled at meetings. Motion made to recommend the draft text amendment as presented, by Bellingham, seconded by Planthold and carried 6 to 2, with Perry and _____opposing.

c) Analysis of reports from departments on implementation was to be presented by Kathy Perry, who deferred to James Chaffee's analysis presented to the task force September 18, 1994 a second copy was reissued.

d) Byron McQuarters presented language for agendas regarding

the Sunshine Ordinance. The original materials provided to the task force December 14, 1995 was approved, motioned by McQuarters, seconded by Joe Van-Ness Balesteros, and unanimously carried.

e) In the absence of Bruce Brugmann, Sue Hestor presented his concept to the task force members. The proposed policy on lobbying would be to utilize the CAO task force appointee more effectively. The CAO's office selects a candidate for the Sunshine Task force for appointment by the S.F. Board of Supervisors.

Action: Sue Hestor motioned and was seconded by Bob Planthold and unanimously carried, to urge the city's lobbyist to include in it's current duties lobbying which shall provide maximum access to public records and meetings of public bodies, consistent with the Sunshine ordinance and the Brown act on both the state and federal levels.

f) This item was tabled
g) This item addressed under M
h) This item was tabled

i) Sue Hestor will write a letter which will include concerns regarding amendments to the Sunshine Ordinance and will reques formal requests for amendments to go before the taskforce before the Board receives them. Two letter will be sent to the Board.

j) Pocedures for task force hearings were provided at previous meetings by Bruce Brugmann, the recommendation was amended to exclude sections 1 - 4 and to be replaced with the same language appearing on the Sunshine Ordinance complaint form so as to be consistant, and section "e) referred to the ethics commission" was added. Motion made by Sue Hestor, seconded by Bob Planthold unanimously carried.

k) Elizabeth Pritzker will summarize her prevous summary

l) The request for a hearing by the S.F. Board will be made.

m) Redevelopment Agency will make a recommendation to the commission regarding compliance with the Sunshine Ordinance "the matter is under active consideration".

The date for completing the SOTF annual report will be set for June 1, 1995

Standards of conduct will be continued to future meetings.

Funding and budgetary needs were discussed, and a motion was made to strike wording on _____ document

and was made by Byron Mc Quarters, Seconded by James Chaffee, and passed with Pritzker opposing.

Meeting adjourned at 7:20

respectfully submitted

Kathy Perry, Secretary

F
88
1
12/1/95

The Sunshine Ordinance Task Force

c/o Chief Administrative Officer, City Hall
San Francisco, CA 94102

"The people must be free to learn the truth."

James Chaffee, Chair

✦✦✦PUBLIC HEARING✦✦✦

Wednesday, June 21, 1995 at 4:00 p.m.
1660 Mission Street, Conference Room 2001

The Sunshine Ordinance is the law in San Francisco. The Sunshine Ordinance protects your right to:

☞ Obtain Public Records

☞ Attend Public Meetings

☞ Speak on Issues that Concern You

DOCUMENTS DEPT.
JUN 15 1995
SAN FRANCISCO
PUBLIC LIBRARY

DON'T TAKE YOUR DEMOCRATIC RIGHTS FOR GRANTED. In order to know your rights please read the ***Sunshine Bill of Rights*** and the ***Sunshine Ordinance.*** The Sunshine Ordinance Task Force will hold a public hearing on Wednesday, June 21, 1995 to assess the effectiveness of the ground-breaking Sunshine Ordinance during its first year of operation in San Francisco. The Sunshine Ordinance Task Force wants to know if there are problems with protection of the public's rights.

If you have a question about your rights, or wish to file a complaint, you may contact the Sunshine Ordinance Task Force at any time. To obtain a copy of the ***Sunshine Bill of Rights***, a copy of the ***Sunshine Ordinance***, or a complaint form, please call the clerk of the Task Force at 554-7940.

JUN 14 '95

The Sunshine Ordinance Task Force

c/o Chief Administrative Officer, City Hall
San Francisco, CA 94102

"The people must be free to learn the truth."

James Chaffee, Chair

Sunshine Bill of Rights

"The people of San Francisco want an open society. They do not give their public servants the right to decide what they should know. The public's right to know is as fundamental as its right to vote. To act on truth, the people must be free to learn the truth." S.F. Administrative Code, Section 67.1(e).

The following is an enumeration of a few of the many important rights to access public meetings and records set out within the San Francisco Sunshine Ordinance. It is important to note that there are certain exemptions, special conditions and/or requirements authorized by the Ordinance which may impact the rights summarized here. For a more complete listing of rights and requirements, you can obtain a copy of the Ordinance from the Board of Supervisors at 401 Van Ness, Room 308, SF 94102 (554-51840) or from the Sunshine Ordinance Task Force at 401 Van Ness, Room 402, SF 94102 (554-7940).

1. ***You have the right to attend any regular or special meeting of any "Policy Body," including bodies created by the Charter, Board of Supervisors, any standing committee of such body and any advisory body created by such body.*** You may not be required to give your name, or make any payment or purchase as a condition of attendance. No meeting may be held in a place that excludes persons on the basis of race, religious creed, color, national origin, ancestry, sex, presumed or actual class identity, or which is inaccessible to the disabled. You may attend "passive" meetings upon inquiry on a space available basis.

2. ***You have the right to an agenda that contains a meaningful description of every item to be acted on or discussed.*** Such agenda must be posted in a publicly accessible place and mailed to you upon request. The agenda must be accessible to the sight, speech and hearing impaired.

3. ***You have the right to participate in all meetings.*** Each agenda must provide for public comment on each item at a regular meeting and each action item at a special meeting. Certain exemptions apply to the Board of Supervisors. You have the right to inspect and copy any document distributed to or discussed by a policy body, and you have the right to be provided with records in accordance with the Sunshine Ordinance Sections 67.9(a) to (e). You have the right to be provided with documents in alternative formats upon request.

4. ***You have the right to attend the public portion of any meeting where a "closed session" is held.*** Closed sessions may be held only in limited circumstances (e.g., pending litigation or certain personnel matters). The precise reason for the closed session must be stated in the meeting notice. As part of the public portion of the meeting, the body must: a) vote on whether to disclose information related to the closed session, b) with limited exceptions, announce any action taken in closed session, and c) disclose the roll call vote on each action taken.

5. ***You have a right to minutes and to record a meeting.*** Bodies created by city charter must prepare minutes within ten working days which contain details of each item, vote and speaker. You have a right to obtain the minutes from the clerk of that body. You have a right to make your own audio, video or photographic record of a meeting, in a manner that does not constitute a disruption.

6. ***You have a right to freedom of speech at all meetings.*** You have the right to comment on anything within the subject matter jurisdiction of the policy body, including items not on the agenda. This right may not be abridged in order to limit criticism of the body, its policies or employees.

7. ***You have a right to copies of public records on a timely basis.*** Documents which are simple, routine, or otherwise readily available shall be furnished on the next business day if marked Immediate Disclosure Request in conformance with specific provisions of the Sunshine Ordinance. All other requests must be responded to within 10 calendar days. Any withholding of public records, or extension beyond the 10 day limit, must be in writing, stating the reason and the name of the person making the determination.

8. ***You have a right to inexpensive copying fees.*** Documents routinely produced in multiple copies (e.g. meeting agendas and related materials) may only be charged at one cent per page. Documents copied and assembled to order of requester may only be charged at ten cents per page. These limits may only be exceeded after a strict cost analysis.

9. ***You have a right to oral information.*** Each department must designate a person to answer oral questions on as timely and responsive a basis as possible.

10. ***You have the right to seek correction of any violation.*** You are encouraged to review the San Francisco Sunshine Ordinance and the Brown Act which contain a more complete statement of your rights. If you believe your rights have been violated you should first seek redress from that body. You may also direct a complaint to the Sunshine Ordinance Task Force, c/o Chief Administrative Officer, 401 Van Ness, Room 402, SF, 94102 or the San Francisco Ethics Commission, 401 Van Ness, Room 308, SF, 94102. If your rights have been violated, you may wish to consult a lawyer regarding a legal remedy.

Adopted by the Sunshine Ordinance Task Force April 19, 1995

Sunshine Ordinance Task Force

City and County of San Francisco

✦✦✦Notice of Meeting and Agenda✦✦✦

Regular Meeting of Wednesday, June 21, 1995 at 4:00 p.m.
1660 Mission Street, Conference Room 2001

1. Roll Call

2. Consideration and Adoption of Minutes, Meeting of May 17, 1995 (Public Comment)

3. Presentation and Public Hearing on the Annual Report of the Task Force (Public Comment)

   a. Adoption of Annual Report (Public Comment)

4. Report of the Chair

   a. Acceptance of Resignation of Secretary and Election of New Secretary (Public Comment)

   b. Consideration of Relocating Regular Meeting of the Task Force to 401 Van Ness Avenue and Changing Time to 3:00 p.m. To 5:00 p.m. (Public Comment)

   c. Update on Mark Woo Complaint (Public Comment)

   d. Update on Richard Rothman Complaint (Public Comment)

   e. Appointment of Outreach Committee (Public Comment)

   f. Appointment of Legislation Committee (Public Comment)

   g. Approval of Letter to California State Senate Supporting Sb 323 Containing Revisions to the Public Records Act (Gov. Code §6250 et Seq.) (Public Comment)

   h. Approval of Letter to California Attorney General Regarding Prior Restrain of Public Comment (Opinion No. 95-311) (Public Comment)

DOCUMENTS DEPT.

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

401 Van Ness, Room 402 (415) 554-7940 San Francisco, CA 94102

5. Report of the Clerk

   a. Communications (Public Comment)

   b. Complaint of First Amendment Project re Department of Public Health Records Policies (No. 95-1) (Public Comment)

   c. Complaint of Timothy Gillespie re the Fire Department's Response to Records Request (No. 95-2) (Public Comment)

   d. Complaint of Timothy Gillespie re Building Inspection Commission's Response to Request for Public Speaking Policy and for Draft Minutes (No. 95-3) (Public Comment)

   e. Complaint of Timothy Gillespie re Board of Permit Appeals' Limitation of Right to View Public Records (No. 95-4) (Public Comment)

   f. Complaint of Timothy Gillespie re Assessor's Office's Fees for Copies of Public Records and Request for Copy of Justification (No. 95-5) (Public Comment)

   g. Complaint of Virginia Conway re Department of Public Works and Department of Parking and Traffic Posting Notices the Main Public Library (No. 95-6) (Public Comment)

6. Public Comment on Items on Appearing on the Agenda but with the Subject Matter Jurisdiction of the Task Force (this Will Be the First New Item Considered after 5:00 P.m.)

7. Setting of the Agenda for the next Regular Meeting (Public Comment)

8. Adjournment

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14- Mission limited, and 42-Downtown Loop run nearby. The 9, 26, 66, and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415-923- 6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Kwietha Bolden at 558-6164 at least 72 hours in advance of the meeting.

SF
S88
SF

DRAFT MINUTES

2
6/21/95

SUNSHINE ORDINANCE TASK FORCE
REGULAR MONTHLY MEETING
JUNE 21, 1995

DOCUMENTS DEPT.
JAN 17 1996
SAN FRANCISCO
PUBLIC LIBRARY

The meeting convened at 4:10 PM.

I. Roll call - Present: Brugmann, Chaffee, Hestor, McQuarters, Nishioka, Perry, Planthold, Pritzker, Prowler, Ramirez, Taylor. Absent:Bellingham, Van Ness-Ballesteros.

Prior to beginning the regular agenda, the Task Force presented Sue Hestor with a commendation in honor of her term as Chair of the Task Force during its first year.

Discussion about agenda included questions about the scope of the S.O.T.F.'s public hearing, whether it is intended to be on the draft of the annual report or on the broader aspect of the Sunshine Ordinance as such.

II. Minutes. Unanimously approved with following changes: Susan Hernandez should read Sandra Hernandez. Item VIII(C) Pritzker opposed.

III. Public hearing on annual report of S.O.T.F.

Public comment

John Crew spoke, representing the American Civil Liberties Union. Mr. Crew reported that at the previous week's meeting of the police Commission, members of the public were denied access. According to Mr. Crew, while the Commission was in executive session, members of the public were arrested. Once the public portion of the meeting convened, police officers determined who could and could not enter the room. In addition, Mr. Crew said that the Commission often doesn't have rooms adequate for audience nor sound equipment for overflow.

Louise Vaughan, who was arrested at the Police Commission, spoke. She said that after being released from arrest she was told that she would be re-arrested if she returned to the meeting.

Timothy Gillespie testified that the Police Commission has had un-noticed executive sessions, but that they no longer do so.

As to SOTF Annual Report, Perry moved the following amendments: addition of a table of contents, uniform fonts and pagination, re-write of reference to League of Women Voters seat, and credit to the authors. Planthold seconded. Passed unanimously.

Public comment: Tim Gillespie spoke on the importance of the Housing Authority and Sunshine Ordinance.

IV.A. Ms. Perry resigned her office as Secretary of S.O.T.F. She nominated Bob Planthold as Secretary to replace her. No other names were placed in nomination. Mr. Planthold was elected unanimously.

B. Possible relocation of SOTF The issue died for lack of a motion.

C. Update on Mark Woo Complaint - Mr. Woo commented with reference to

the SFPD's inability to find the information requested. Mr. Woo circulated his response to the City Attorney's response.

Public Comment: Tim Gillespie testified in public comment regarding his opinion that the City Attorney helps departments hide from Sunshine Ordinance and has a conflict of interest.

Joseph Partansky testified about Attorney General's opinion on Police Departments' release of information to vendors.

D. Richard Rothman complaint - Through the Chair we heard that Mr. Rothman had a congenial conference with Human Resources staff and felt his concerns were answered. However,Mr. Rothman reportedly found another worker in his agency had recently had similar such difficulties as he had earlier encountered.

E. Outreach Comm. James Chaffee indicated his wish to form and appoint an outreach committee and that he had privately polled and recruited Kathy Perry, Bob Planthold, and Byron McQuarters to serve on such a Committee. The intent of the Committee would be preliminary review of complaints, distribution of the Bill of Rights, and publicity. Ms. Hestor cautioned that members of this group would not be able to discuss any business of the S.O.T.F.,due to the seriatim meeting rule.

Members questioned whether the Chair alone could develop and appoint committees. Further, such a committee might conflict with already-adopted roles (Media Liaison) and already adopted processes with regard to handling complaints.Concerns were also raised about loss of member participation if work is done in committees, about procedures for sending letters on behalf of Task Force without Task Force authorization, and about de facto amendment of previously adopted rules and regulations.

F. Legislation Comm.
Ms. Pritzker Moved to continue to the next meeting both 4E and 4F. Adopted without objection.

Mr. Taylor then helped differentiate between a formally established body such as a committee and a task given to one member - which member can then consult with other members of the same body as long as the number consulted does not constitute a majority.

G. Public Comment: A rate payer of a SF Water bill told of the high rates he's paying and inability to get a history on his building's water usage.

Bob Planthold as a member of the public, told of the differing ways commissions have for a commissioner to put an item on a future agenda and also how public comments can be adjusted/manipulated by being at the beginning of a commission's agenda but prior to the commission's hearing any staff analysis. Ms Hestor said that the City Charter gives commissions ability to manage their own meetings.

Tim Gillespie noted that there may be a conflict when a department's City Attorney defends his/her client, even if the public objects. As to the continued items 4E and 4F, he felt it appropriate and helpful for the SOTF to itself establish committees and thus establish a focused area of responsibility. Finally he questioned whether the seriatim meeting prohibition would apply to a 3 person committee.

Joe Partansky, who helped draft Contra Costa County's version of the Sunshine Ordinance, spoke about his classes on Accessing All Gov't. Information. He also informed the Task Force of the 23 September conference of the First Amendment Coalition in Oakland's Jack London Square.

4G to 4R - Ms. Hestor noted that the SOTF had long ago adopted both formal stationery and a process by which a letter from SOTF is to be written.Further, it seems the adopted agenda-developing process may not have been followed for this meeting and therefore may warrant consideration of changes. Mr. Prowler also noted that the S.F. Administrative Code precludes any body, other then the Board of Supervisors or the State Legislation Committee, from taking a position on State legislation. Task Force could recommend a position to either the State Legislation Committee or the Board of Supervisors for adoption.

TMe. Chaffee noted how it might help analysis of an agenda item if information had earlier been solicited from appropriate agencies and staff. Mr. Ramirez felt that, with a change in officers, the SOTF might have been helped if it had some communication in a form similar to a "State-of-the Union" address, whereby members could get a feel for the priorities and style of the new Chair. Ms. Nishioka noted that, though this first year may have seemed slow at least each member could easily track how an issue had progressed.

Mr. McQuarters moved and Mr. Brugmann seconded to table 4G to 4H. Mr. McQuarters withdrew his motion. Ms.Hestor moved that the SOTF send the letters referenced in 4G and 4H to the City Attorney and to the Clerk of the Board for determination as to whether letters of this type (on state legislation and in contact with Cal. State constitutional officers) can be sent out by the SOTF. Mr. McQuarters seconded. Under discussion, Mr. Ramirez suggested we read these letters to see if we agree with them. Mr. Planthold moved a substitute motion that the SOTF withdraw these letters and that we solicit advice from both the City Attorney and from the Clerk of the Board as to what, if any, letters we can independently send, on what types of issues, and to whom. Mr. McQuarters seconded.

On the substitution: Unanimous
On the substitute motion: Unanimous

5. Report of the clerk: file passed around during meeting

5b. Mr. Prowler noted that his efforts through the City Attorney's office seemed to have resulted in a lowering of the fee from Department of Public Health down to the standard 10 cents/page.

7. Setting of the Agenda

Ms. Hestor asked that we re-post the original agenda statement for this meeting,General Public Hearing(as per May agenda). Ms. Hestor moved, Brugmann seconded the above as a motion. The Chair vacated his position for this meeting and turned the body over to Ms. Pritzker. Mr. Chaffee spoke against the motion, fearing we would be dragging this out to a 2nd meeting - Mr. Prowler suggested that we see whether the Board's hearing on the SOTF Annual Report draw out more people and interest. Then SOTF could determine the level of interest.

For: Pritzker, Hestor, Brugmann, Ramirez, McQuarters, Planthold
Against: Chaffee

Mr. Hestor moved that the SOTF request complainants,the Police

Commission and the Deputy City Attorney who formally advises the Police Commission to attend the Task Force's next meeting as the first issue item after roll call to respond to issues raised about their compliance with the Sunshine Ordinance: Planthold seconded

Public Comment: Tim Gillespie asked that the SOTF send the letter in sufficient time for the commission to be able to attend but also after any likely new complaints are filed.

Vote: Unanimous

Planthold move, Brugmann seconded: put Mr. Woo's complaint about the PD's records response on the July agenda. Vote Unanimous

M/S/C: Hestor moved, and Planthold seconded to advance the July meeting time to 3:00 p.m., as a courtesy to the Police Commission. Unanimous

M/S/C: to consider asking Board President Shelley to have a hearing on the S.O. itself and not just on the SOTF Annual Report.
Brugmann/McQuarters Unanimous

Meeting adjourned at 7:35.

SF
588
#1
7/19/95
7/19/95
& Supplement

DOCUMENTS DEPT.
JUL 0 6 1995
SAN FRANCISCO
PUBLIC LIBRARY

Sunshine Ordinance Task Force

The Regular Meeting of July 19, 1995, at 4:00 p.m. is canceled

✦✦✦Notice of Special Meeting and Agenda✦✦✦

Special Meeting of Wednesday, July 19, 1995 at 3:00 p.m.
1660 Mission Street, Conference Room 2001

1. Roll Call

2. Public Hearing on the Policy of the Police Commission Relative to Attendance by the Public at the Request of the Task Force (Public Comment)

   a. Action by the Task Force on the above Policy Issue (Public Comment)

3. Public Hearing on the Policy of the Police Department Relative to Disclosure of Public Records in Response to Complaint from Mr. Mark Woo (Public Comment)

   a. Action by the Task Force on the above Complaint (Public Comment)

4. Consideration and Adoption of Minutes, Meeting of June 21, 1995 (Public Comment)

5. Public Hearing on Any Practical or Policy Problems Encountered in the Administration of the Sunshine Ordinance. (Public Comment)

6. Resolution to Amend Rules and Regulations of the Task Force, Article V, Section 11, deleting regular agenda item "Questions and Matters from members of the Task Force." (Resolution No. 95001) (Public Comment)

7. Discussion of Conflict in the Rules and Regulation Between Duty of Clerk in Article IV, Section 3, and Article V, Section 14 and Duty of Secretary Article III, Section 3. (Public Comment)

8. Resolution to Amend Rules and Regulations of the Task Force, Article III, Section 1, adding clarifying language as follows: "Such necessary and incidental duties will include: Facilitating information and resources that may be needed by the Task Force to hold public hearings on complaints and other issues. Promote the interests of the Task Force in ways that are consistent with already established goals and policies of the Task Force." (Resolution No. 95002) (Public Comment)

9. Appointment of Kathy Perry, chair, Bob Planthold and Byron McQuarter to Outreach/Education Committee the charge of which will be: identify opportunities for outreach to the citizens of San Francisco, identify and facilitate educational vehicles (e.g. information brochures, Sunshine Bill of Rights), develop information on issues referred by the Task Force including citizen complaints. (Resolution No. 95003) (Public Comment)

10. Appointment of Elizabeth Pritzker, chair, Enrique Ramirez and Bruce Brugmann to Legislation Committee, the charge of which will be: identify legal and/or legislative issues that may affect open government; identify opportunities for San Francisco and the Task Force to play its proper leadership role in open government issues statewide; develop information on proposed revisions to the Sunshine Ordinance referred by the Task Force. (Resolution No. 95004) (Public Comment)

11. Discussion of Proper Manner to Communicate with the State Legislature, the California Attorney and Other Officials Regarding Issues of Concern to the Task Force (Letter by Robert Planthold) (Public Comment).

12. Report of the Clerk

    a. Communications (Public Comment)

    b. Complaint of First Amendment Project re Department of Public Health Records Policies (No. 95-1) (Public Comment)

    c. Complaint of Virginia Conway re Department of Public Works and Department of Parking and Traffic Posting Notices the Main Public Library (No. 95-6) (Public Comment)

13. Discussion and Possible Reference to Outreach/Education Committee of Process to Develop Stationary for the Task Force (Public Comment)

14. Discussion of Legal and Policy Issues Relative to Seriatim Meetings (Public Comment)

15. Public Comment on Items not Appearing on the Agenda but within the Subject Matter Jurisdiction of the Task Force (This Will Be the First New Item Considered after 5:00 P.M.)

16. Setting of the Agenda for the next Regular Meeting (Public Comment)

17. Adjournment

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14- Mission limited, and 42-Downtown Loop run nearby. The 9, 26, 66, and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415-923- 6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Kwietha Bolden at 558-6164 at least 72 hours in advance of the meeting.

SF
88
1
7/19/95
Special
Supplemental

Posted: July 14, 1995

Sunshine Ordinance Task Force

✦✦✦Supplemental Agenda For✦✦✦

Special Meeting of Wednesday, July 19, 1995 at 3:00 p.m.
1660 Mission Street, Conference Room 2001

11.1 Discussion and possible action or referral to a Committee of an inquiry of member Robert Planthold about published reports regarding the Grants for the Arts office (Public Comment)

11.2 Update on Annual Report for 1994-95 (Public Comment)

12. d. Complaint of Andrew Solow re County Recorder (No. 95-7) (Public Comment)

DOCUMENTS DEPT.
JUL 17 1995
SAN FRANCISCO
PUBLIC LIBRARY

SF
S88
#2
7/19/95
Special

SF

DOCUMENTS DEPT.

DEC 11 1995

SAN FRANCISCO
PUBLIC LIBRARY

Sunshine Ordinance Task Force
Approved
✦✦✦Minutes of Meeting✦✦✦
Special Meeting of Wednesday, July 19, 1995 at 3:00 p.m.

Roll Call: Present: Bellingham, Brugmann, Chaffee, Hestor, Planthold, Pritzker (quorum established) Perry arrived shortly after
Staff: Deputy City Attorney Amy Ackerman, Deputy City Attorney Linda Ross

Excused: McQuarter, Ramirez, Joe Van Ness-Ballesteros

Item No. 3 (taken out of order in deference to staff from the Police Dept., City Attorney and Controller) - Public Hearing re Complaint of Mark Woo who was earlier denied information on the bases of privacy and difficulty of getting out data without reprogramming.

Representatives of the Police Dept. said that data was kept in ways different from what Mr. Woo asked for and then only for 16 mos. After that, only previously determined categories of data are kept. If any fully current data were fully called out, some confidential information contained therein would be disclosed, such as names of juveniles and/or victims of sexual abuse/assault. Thus, some re-structuring of partial data retrieval would need to be done. An earlier system of conveyance of some selected data to the daily publication San Francisco Examiner has been discontinued but worked only because the Examiner also bought some software equipment that allowed data on certain types of crimes and districts to be extracted from the privacy-protected information transmitted. At present staff doesn't know who paid for the original program for this exchange - the SFPD or the Examiner.

Ms. Perry asked whether the SFPD could deliver to Mr. Woo the requested information and if so, the requirements/adaption necessary for such transmittal. We were told that such information/record transmittal would require reprogramming and that the Sunshine Ordinance did not require such.

Ms. Hestor asked about the state and time frame of computer upgrading. She was told that the SFPD was involved in this along with the SFFD, the Dept. of Transportation, Dept. of Public Health-Emergency Medical Services. By the end of this year, we might know by when the new system would be in place. Currently various significant San Francisco computer systems date from approximately 1970.

Public Comment on the Item

Mr. Woo asked if it were possible to get written confirmation that another newspaper the Western Edition got the same type of information that was previously furnished to the San Francisco Examiner. Though a few instances of such sharing of sanitized data have occurred since April, 1995, that neighborhood newspaper has not yet been able to "read"/use those tapes due to the lack of the type of equipment that the San Francisco Examiner used.

Timothy Gillespie asked whether the SFPD was interested in establishing a system in the future such that information (of the type requested by Mr. Woo) could be made available to the public.

The Chair asked whether the SFPD produces for its own internal purposes a report containing the information of the type requested by Mr. Woo. SFPD staff replied that such a report does not contain all of the information types requested by Mr. Woo. For example, the street number is given to the nearest hundred, i.e., 200 block of Stockton.

Mr. Woo stated that it should be easy to sift the data and not get certain crimes and not round off addresses.

Mr. Bellingham asked if Mr. Woo would publish this information. Mr. Woo stated that he would analyze the data and publish the analysis in map form.

Mr. Taylor stated that databases are constantly being newly revised and the Task Force could suggest to the Board of Supervisors that anytime databases are changed or created it should be done in such a way that confidential information was not commingled with other data. It could also be suggested that such ability be built into all systems.

Ms. Hestor stated that it was important that 911 center's database be designed so that issues of sunshine law compliance be resolved.

Ms. Hestor moved a three part resolution:

1) A letter to the Board of Supervisors asking them to be alert to the issue that the 911 system have a requirement as part of its contract which provides for the same-time sorting out of confidential information.

2) A letter be sent to the SFPD asking them who paid for the program that provided the information to the Examiner.

3) That future databases provide for publicly available information.

Due to Sunshine Ordinance requirements that an agenda item have a meaningful description of the action contemplated and since Item 3 only mentioned action on the complaint by Mr. Wood, the Deputy City Attorney Amy Ackerman cautioned the Task Force that matters broader than the complaint may not be appropriate without prior notice.

Ms. Hestor withdrew Parts 1 and 3.

Ms. Perry moved to amend Ms. Hestor's motion that the letter to the SFPD indicate the view that Mr. Woo was entitled to the same information in the same

format that was previously furnished to the Examiner and the Western Edition. Approval of the amendment was unanimous. Approval of the motion was unanimous.

Item No. 2 - Re: Policy of the Police Commission Relative to Attendance by the Public

Deputy City Attorney Ms. Ross stated that she had drafted a response to the Task Force letter inquiring about the policy and that she had faxed it to David Prowler today. She stated that there are two existing sections of law that provide for how people may be removed from or prevented from attending due to some form of disruptive behavior.

Ms. Ross then gave her direct experience account of the meeting where the two sets of arrests occurred. She then told us that the President of the Police Commission indicated that the clearing of the room had never happened before and was used only as a last resort. Ms. Ross was unaware until this meeting that there was also a question about some types of press lacking SFPD credentials as a basis for exclusion from the meeting room.

Mr. Brugmann asked about any knowledge of or response to John Crew's letter of June 28, 1995. Ms. Ross believes there will be a meeting of the Chief and a Deputy Chief with Mr. Crew. Ms. Perry asked whether there was a policy regarding attendance or re-admission to a meeting that had become highly charged. Apparently there isn't any such policy, except by reference to the earlier cited sections of law. Mr. Brugmann read selected parts from the end of John Crew's letter and raised concerns about the need for some action by the Task Force.

Mr. Planthold asked whether, since the agenda item was about "Policy of the Police Commission Relative to Attendance by the Public" the scope of the discussion should only be about the previously cited meeting or could legitimately include questions about the diligence of scrutiny of a meeting for compliance with disabled access provisions of the Sunshine Ordinance. Ms. Ross stated that Lt. Manuel Baretta was responsible for such site compliance analysis.

Ms. Hestor noted that with regard to the ejection/re-entry problems cited from last meeting, there had been no clear "order to disperse" but that people had left voluntarily and yet later were apparently prevented from re-entering. This seemed not to trigger the law's provisions.

Public Comment on the Item

Ms. Harris suggested that Ms. Perry tell the Police Commission to consider designating some level of police officer as responsible for such decisions.

Ms. Vaughn described the details of her arrest at a previous Police Commission meeting, even though she was complaining how an OCC finding that she had been earlier harassed was then possibly being overturned by the Police Chief. She talked of an atmosphere of a police state where people couldn't complain.

Ms. Perry asked Ms. Vaughn two questions:

1) What was the other woman doing when she also was arrested?

2) What reason was given to Ms. Vaughn for not allowing her to go back into the meeting?

Ms. Vaugh stated that she had already been arrested and so didn't know what the other woman had or hadn't done.

[end of public comment]

Mr. Brugmann asked Ms. Ross how she responded to Ms. Vaughn's charges.

Mr. Planthold asked Ms. Ross to consider being ready to give some opinion if a question is raised at tonight's Police Commission meeting (or at any subsequent meeting) about the building's lack of compliance with disabled access provisions and whether any such meeting should then be canceled or suspended.

Ms. Perry asked whether any such policy about criteria for meeting attendance could be helpful as well as for meeting re-entry.

Mr. Brugmann moved (Hestor seconded) that the Task Force recommend and urge the Police Commission 1) hold a comprehensive public hearing about their lack of criteria for what public activity qualifies as disruptive and 2) these hearings be widely publicized (including inviting John Crew and Louise Vaughn) and adopt from John Crews letter that "individuals cannot be prevented from attending a public meeting absent: (1) probable cause to arrest for a specific violation of law, or (2) actual, present behavior that is unequivocally disruptive." An amendment to refine the language was made by Ms. Perry. Approval of the amendment was unanimous. Approval of the motion was unanimous.

General Public Comment was called. Ms. Vaughn noted that after she was arrested she was told that if she didn't go back to the meeting again, she wouldn't be arrested again. She felt the danger of oppression because she is poor and black.

Ms. Hestor informed the Task Force that Joe Van Ness-Balesteros had died the same morning. He was a moving force behind the development of the Sunshine Ordinance. We will ask Mr. Taylor to let us know of any Memorial Service.

Item No. 4 - Minutes: Approved as drafted.

Item No. 5 - Public Hearing on Any Practical Problems in the Administration of the Sunshine Ordinance. It was noted that no department representatives or members of the public came to bring up new items.

Mr. Planthold noted that recently he had had separate contact with President of the Board of Supervisors Kevin Shelley and also separately with Health Dept. Director Sandra Hernandez wherein each apparently felt that it was up to the Task Force to initiate recommendations to change the Sunshine Ordinance and to draft language. Ms. Hestor stated that she had the text of the DPH draft amendment and would transmit it to the clerk of the Task Force this Friday, July 21.

Item No. 6 - Resolution No. 95001, Resolution to Amend Rules and Regulations of the Task Force, Article V, Section 11, deleting regular agenda item "Questions and Matters from members of the Task Force." The concern surfaced about whether or not this regular agenda item served a good purpose and was in compliance with the Sunshine Ordinance. Ms. Perry moved to delete this as a regular agenda item. The motion was approved. Aye: Bellingham, Chaffee, Perry, Planthold. No: Pritzker, Hestor, Brugmann.

Ms. Hestor moved to reopen public comment. Mr. Planthold raised a point of order that there was no provision or precedent from any other body for reopening public comment. The chair ruled the motion out of order.

Item No. 7 - Discussion of Conflict in the Rules and Regulation Between Duty of Clerk and Duty of Secretary re taking of minutes. Various members noted that traditionally the secretary of a body is responsible for such a task, even if parts of that task (i.e., typing, final form or photocopying) are delegated.

Item No. 8 - Resolution 95002 to Amend Rules and Regulations of the Task Force clarifying the role of the chair. Ms. Perry moved the draft resolution, Mr. Planthold seconded.

Ms. Hestor made a point of order that this draft text seemed to concomitantly require eliminating the job of Media Liaison and that therefore the original motion was incomplete. The chair ruled against the point of order and that the motion could be considered.

Mr. Brugmann raised concerns about how broad or loose the language is and felt that the Sunshine Ordinance Task Force should first adopt the standards of conduct first proposed last October, Mr. Brugmann asked whether Mr. Prowler knew of any precedent in existing city commissions. Mr. Prowler said he didn't. Ms. Perry stated that she felt this wording was not out of line or unwarranted. Mr. Planthold noted how the facilitation of information and resources has already been done by the chair in providing legal citations and case law, without harm to the Task Force and that this work is not impinging upon the listed duties and responsibilities of the Media Liaison. Mr. Brugmann again stated his concerns and opposition to the motion. The motion was rejected. Aye: Chaffee, Planthold. No: Bellingham, Brugmann, Hestor, Perry.

Item Nos. 9 and 10 - Mr. Brugmann moved that these items be continued to the next meeting. They were continued. Aye: Bellingham, Brugmann, Hestor, Perry, Planthold, Pritzker. No: Chaffee.

Item No. 11 - Discussion of Proper Manner to Communicate with the State Legislature and Other Officials. Two letters were circulated responding to this issue from the City Attorney and the Clerk of the Board of Supervisors.

Item No. 12 - (was taken out of order inadvertently) Report of the Clerk.

a) Communications - file circulated.

b) Mr. Solow's complaint re Health Dept. has been resolved.

c) Complaint of Virginia Conway.

d) Mr. Solow's complaint re Recorder fees. A copy of the City Attorney's letter has been forwarded to the complainant.

Item No. 11.1 - Discussion of Inquiry from Robert Planthold about published reports regarding the Grants for the Arts office. It was reported by Mr. Prowler that the published report was not complete and that apparently meetings are open to the public.

Item No. 11.2 - Update on Annual Report. Report will be transmitted to the Board of Supervisors by Friday, July 21.

There was a motion to take Item No. 16 out of order. The motion was approved. Aye: Bellingham, Brugmann, Hestor, Planthold, Pritzker. No: Chaffee.

Item No. 16 - Setting of the Agenda. Ms. Hestor moved (seconded by Planthold) that her two letters on police information be placed on the agenda, 1) a letter to the Board of Supervisors re the 911 system, and 2) a letter to the Police Commission re future availability of information. Approval of the motion was unanimous.

Mr. Brugmann moved (seconded by Pritzker) to place draft Standards of Conduct on the agenda. Approval of the motion was unanimous.

Item No. 13 - Discussion of Process to Develop Stationary. Mr. Planthold moved (seconded by Pritzker) to continue this item. Approval of motion to continue was unanimous.

Item No. 14 - Discussion of Seriatim Meetings (on agenda since June, 1994). The issue arose from a Library Commission meeting wherein there was apparently such a seriatim meeting. Mr. Chaffee described a situation where even though the City Attorney had agreed that there was a seriatim meeting, denial of the violation had persisted.

The Task Force adjourned at 7:29.

DOCUMENTS DEPT.
AUG 0 4 1995
SAN FRANCISCO
PUBLIC LIBRARY

Sunshine Ordinance Task Force

✦✦✦Notice of Regular Meeting and Agenda✦✦✦

Regular Meeting of Wednesday, August 16, 1995 at 4:00 p.m.
1660 Mission Street, Conference Room 2001

1. Roll Call

2. Introduction of New Members Charlotte Berke, and Landis Whistler

3. Consideration and Adoption of Minutes, Meeting of July 19, 1995 (Public Comment)

4. Discussion and Action on a Request by the Department of Public Works to Amend the Sunshine Ordinance Section 67.20(b) to Exempt from the Definition of "Public Information" Computer Software Developed by the City and County of San Francisco. (Resolution No. 95005) (Public Comment)

5. Resolution to Amend Rules and Regulations of the Task Force, Article Iv, Section 3, Article V, Section 14 and Article Iii, Section 3 to Provide That it Shall Be the Duty of the Task Force Secretary to Take the Minutes. (Resolution No. 95006) (Public Comment)

6. Discussion and Action on Making Available Information on the Sunshine Ordinance Task Force and the Sunshine Bill of Rights on Response TV Channel 54, (Resolution No. 95007) (Public Comment)

7. Discussion and Action on Making Available Information on the Sunshine Ordinance Task Force on the On-line San Francisco Public Library Database "The Online Human Services Catalog," (Resolution No. 95008) (Public Comment)

8. Discussion and Action on the Sending of a Letter to the Board of Supervisors and Other Entities Involved in the Development of the 911 System Urging That it Allow for the Required Disclosure of Public Records Without Violating Required Confidentiality. (Resolution No. 95009) (Public Comment)

9. Discussion and Action on the Sending of a Letter to the Electronic Information Processing Steering Committee Requesting That a Standard Be Established That Development of Databases Provide for the Required Disclosure of Public Records Without Violating Required Confidentiality. (Resolution No. 95010) (Public Comment)

10. Discussion and Action on Standards of Conduct by Members of the Sunshine Ordinance Task Force on Issues Relating to Brown Act, Public Records Act and Sunshine Ordinance. (Resolution No. 95011) (Public Comment)

11. Appointment of Kathy Perry, chair, Bob Planthold and Byron McQuarter to Outreach/Education Committee the charge of which will be: identify opportunities for outreach to the citizens of San Francisco, identify and facilitate educational vehicles (e.g. information brochures, Sunshine Bill of Rights), develop information on issues referred by the Task Force including citizen complaints. (Resolution No. 95003) (Public Comment)

12. Appointment of Elizabeth Pritzker, chair, Enrique Ramirez and Bruce Brugmann to Legislation Committee, the charge of which will be: identify legal and/or legislative issues that may affect open government; identify opportunities for San Francisco and the Task Force to play its proper leadership role in open government issues statewide; develop information on proposed revisions to the Sunshine Ordinance referred by the Task Force. (Resolution No. 95004) (Public Comment)

13. Report of the Clerk

    a. Communications (Public Comment)

    b. Complaint of Andrew Solow re County Recorder (No. 95-7) (Public Comment)

    c. Complaint of Member Robert Planthold re Police Commission (No. 95-8) (Public Comment)

    d. Memorandum of Member Sue Hestor of July 24, 1995 Regarding Annual Report of Sunshine Ordinance Task Force (Public Comment)

    e. Memorandum of Member Sue Hestor of July 25, 1995 Regarding Supplemental Agenda for Special Meeting of July 19, 1995 (Public Comment)

14. Discussion and Possible Reference to Outreach/Education Committee of Process to Develop Stationary for the Task Force (Public Comment)

15. Discussion and Action on a Suitable Memorial for Joseph Van Ness-Ballesteros, Including but Not Limited to Adjournment Today in His Honor.

16. Public Comment on Items not Appearing on the Agenda but within the Subject Matter Jurisdiction of the Task Force (This Will Be the First New Item Considered after 5:00 P.M.)

17. Setting of the Agenda for the next Regular Meeting (Public Comment)

18. Adjournment in Honor of Former Member of the Sunshine Ordinance Task Force, Joseph Van Ness-Ballesteros

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14- Mission limited, and 42-Downtown Loop run nearby. The 9, 26, 66, and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415-923- 6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Kwietha Bolden at 558-6164 at least 72 hours in advance of the meeting.

SF
388
#2
8/16/95

SF

DOCUMENTS DEPT.
DEC 11 1995
SAN FRANCISCO
PUBLIC LIBRARY

Sunshine Ordinance Task Force
Approved

✦✦✦Minutes of Meeting✦✦✦

Regular Meeting of Wednesday, August 16, 1995 at 4:00 p.m.

Item No. 1: Roll Call - Present: Berk, Brugmann, Chaffee, Hestor, McQuarter, Perry, Planthold, Pritzker, Ramirez
Ex Officio: Nishioka, Taylor, Prowler
Staff: Deputy City Attorney John Cooper

Excused: Bellingham, Whistler

Item No. 2: Introduction of new members - Charlotte Berk told us of her long San Francisco experience with public meetings. She is also a parliamentarian.

Item No. 3: Minutes - Corrections: "Special" not regular meeting, time 3:00 p.m. not 4:00 p.m., page 3, item 2, para. 2, Ms. Ross not Ms. Perry; page 5, last paragraph Ms. not Mr. Perry. Minutes adopted unanimously with corrections noted above.

Item No. 4: Dept. of Public Works' (DPW) request to exempt some "computer software" from the definition of "public information" in section 67.20 of the Sunshine Ordinance.

Mr. John Cooper of the City Attorney's office assisted us with information about applicable laws and some interpretations. The California Public Records Act contains an exemption for software, but the Sunshine Ordinance does not. DPW wants to be able to license this complex and costly Geographic Interpretation System (GIS). The Chair asked whether other computer-generated information within computer software would also be subject to needing an exemption or clarification of the definition of "public information." Mr. Brugmann asked whether making disclosure of such information some level of criminal offense would prevent people/agencies from trying to copy such information and then sell it commercially on their own. The vice chair then inquired whether there were a way to distinguish between "commercial" and "non-commercial" information requests. Ms. Hestor tried to use a simplified analogy of the city of San Francisco developing Word Perfect, storing all city information in that self-developed software, and then being asked to sell this software at copying costs without the city being able to recoup any of the development costs.

Mr. White of DPW passed around a fifteen page handout about the GIS and explained in summary each page. He also showed us a lengthy report on and by the eleven city agencies that would be using this GIS. These include: DPW, City Planning, Police, Fire, Tax Collector, Assessor, Emergency Medical Services (Dept. of Public Health) and others. He also had to explain some technical jargon, such as "digitizing."

Mr. White said there was also the possibility for what he termed "partnerships" with other agencies, such as PG&E. If there were no financial incentive to try to develop such contractual relationships because the private agency could get all the data at legislated reproduction costs, there would be no mutual sharing of data (from/with Pac Bell, PG&E) and little recouping of costs of developing and/or maintaining this system.

Public comment on this item: Mr. Timothy Gillespie urged us to inquire more about proposed benefits from this exemption. Public comment closed on this item.

Ms. Perry asked several questions:

1) Does DPW want to sell this software?

   Yes.

2) How much would it cost to copy each CD-Rom?

   $100-200. (N.B.: The ortho-photo set consumes 42 CD-Roms alone. The Cadastral and other files consume 300 CD-Roms.)

3) Beside information, what could the public do with this information?

   The public could easily find out information about a property, building, neighborhood, or district.

Deputy City Attorney Cooper pointed out how now no department has to create a record to respond to an information request; right now a request could generate a tremendous and uncoordinated paper response. With GIS this could be done quickly, simply and more cheaply.

Mr. Ramirez wondered whether the requested exemption would make explicit what the Sunshine Ordinance implies in its adoption of the Public Records Act definition.

Mr. Taylor opined that a significant problem is what is "public information." He suggested we consider referencing the entire Public Records Act without referencing any section. (This in regard to Sunshine Ordinance section 67.20(b).) Thus, according to Deputy City Attorney Cooper, later Sunshine Ordinance reference to the entire Public Records Act is not sufficient to remedy the problem because the earlier section of Sunshine Ordinance section 67.20(b) prevails in its first listed restrictions. Ms. Hestor wondered whether there was urgency to act today.
Mr. Ramirez moved that the Task Force adopt the proposed exemption. Ms. Hestor seconded.

John Cooper told us he earlier recommended to DPW that it not complete a set of software until the exemption question was answered.

[Mr. McQuarters arrived during the discussion of this item.]

Mr. Brugmann moved, and Ms. Perry seconded, that we postpone this item to the next meeting. The motion was passed unanimously.

Ms. Hestor asked, for the next meeting, for information as to what commitment (to info-sharing opportunities) the city had to people/agencies other than mapping agencies to be user friendly for the lay person. The Chair asked that we also get a report/list of what other city agencies, by parallelism, have records/files that need clarification(s)/exemption(s).

Ms. Perry moved, Mr. Brugmann seconded, to invite Terry Francke to the next meeting to address the Task Force on the matter of exemptions. The motion was passed unanimously.

After 5:00 p.m., Item 16, Public Comment - Timothy Gillespie opined the Sunshine Ordinance Task Force consider there is - or should be - some consistent and specific course about what issue(s) to consider and how to do so.

Ms. McQuarter asked us to consider looking into what, if any, problems other jurisdictions have had with similar Sunshine Ordinances.

Ms. Hestor moved, Mr. Planthold seconded, to take Items 8, 9 & 10 next to accommodate Ms. Hestor's need to leave early to represent a client.

Item No. 8: Consideration of Letter to Board of Supervisors on disclosure of computer records. Ms. Hestor moved, Mr. Planthold seconded, that the Task Force authorize a resolution to be drafted (by members and in consultation with the DCA) to the Board of Supervisors to adopt the ideas/language included in her "911" motion. Mr. Taylor suggested we consider actually asking Deputy City Attorney Ackerman to draft an ordinance. Ms. Hestor moved, Mr. McQuarters seconded, to postpone this item until the next meeting. Ayes: Berk, Brugmann, Chaffee, Hestor, McQuarter, Planthold, Perry, Ramirez. No: Pritzker.

Item No. 9: Consideration of Letter to Electronic Information Processing Steering Committee on disclosure of computer records. Ms. Hestor moved, Mr. McQuarters seconded, to postpone item 9 to the next meeting. Ayes: Berk, Brugmann, Chaffee, Hestor, McQuarter, Planthold, Perry, Ramirez. No: Pritzker.

Item No. 10: Consideration of Standards of Conduct. Ms. Hestor moved, Mr. McQuarters seconded, to postpone item 10 to the next meeting. The motion passed unanimously.

Ms. Hestor then departed.

Item No. 5: Resolution No. 95006 to Amend Rules and Regulations of the Task Force to provide that the Secretary shall take the minutes. Ms. Perry moved,

Mr. McQuarters seconded, to move the resolution. Ms. Pritzker wondered who would take the minutes in the absence of the secretary. The Secretary and the Chair separately opined that it was within the power of the Chair to designate someone to fulfill a duty in the absence of the person specifically tasked with the duty. Mr. McQuarter called the previous question. The motion to amend the Rules and Regulations was passed unanimously.

Item No. 6: Resolution No. 95007 to make information on the Sunshine Ordinance Task Force and the Sunshine Bill of Rights available on Response TV Channel 54. Mr. Brugmann moved, Ms. Perry seconded, to adopt this resolution. The motion was passed unanimously.

Item No. 7: Resolution No. 95008 to make information on the Sunshine Ordinance Task Force and the Sunshine Bill of Rights available on the on-line San Francisco Public Library Database "The Online Human Services Catalog." Ms. Perry moved, Ms. Pritzker seconded, to adopt this resolution. The motion was passed unanimously.

At the departure of Robert Planthold there was a short recess. When the meeting reconvened Ms. Perry consented to take the minutes.

Item 11: Resolution No. 95003 to appoint an Outreach/Education Committee of the Task Force. It was moved by Ms. Perry, seconded by Mr. McQuarters to create the Outreach/Education Committee. During discussion a question was raised regarding the opinion of legal counsel regarding forming committees. David Prowler responded that legal counsel (Amy Ackerman) had not advised against the Task Force forming committees.

Discussion continued and the aspect of properly noticing committee meetings under compliance with the Sunshine Ordinance was brought up. A suggestion of voluntary work assignments was made in lieu of the committee assignment. A show of hands for those members wishing to volunteer time serving on committees given the restraints of noticing meetings and meeting requirements under the Sunshine Ordinance was made. Only Ms. Perry, was available. Mr. McQuarters moved, Ms. Perry seconded, to place discussion of committees on the next agenda. The motion passed unanimously.

Item 12: Resolution No. 95004 to appoint a Legislation Committee of the Task Force. This was declared moot by the Chair as a result of the action on Item 11.

Item 13: Report of the Clerk. David Prowler gave the report of the Clerk. The report included: A complaint re a Police Commission meeting at a site without wheelchair access. A similar complaint was raised about Airport Commission meeting places. Linda Ross, attorney for the Police Commission, had not provided a response to date to the complaint. The Airport Commission had not responded in writing, although there had been phone conversation between the Clerk and the Commission.

Ms. Pritzker was concerned that the licensing agreement sample included in the file of the Clerk was not distributed to all Task Force members and that previous distribution might have shed light on the agenda item heard earlier. David Prowler acknowledged and will mail the document to all Task Force members.

Comments on items D and E were made by the Chair.

Item 14: Discussion of Process to Develop Stationery for the Task Force. Mr. Ramirez moved, Mr. McQuarters seconded, that the chair send a letter to schools inviting students to design the graphics. Discussion led by Mr. Taylor revealed the freedom to design stationery, as long as the Seal of the City and County is not misrepresented in any way, and the stationery is appropriate and not offensive. Mr. Taylor further encouraged the Task Force not to begin using an alternate version of the Seal.

Item 15: Discussion of a Suitable Memorial for Joseph Van Ness-Ballesteros. After discussion, Ms. Pritzker moved, Mr. McQuarters seconded, to adopt the concept presented by Mr. Brugmann that a copy of the Sunshine Bill of Rights be calligraphed and framed that includes a dedication to him. This work will be presented to Mr. Van-Ness' parents on behalf of the Task Force.

Item 16: Setting of the Agenda - Agenda items requested were:

1) The creation of an historical collection of the Task Force, including a photographic record of the Task Force Members, etc. Moved by Mr. McQuarters. Adopted unanimously.

2) That the Rules and Regulations of the Task Force be modified to provide for the tape recording of meetings of the Task Force. Moved by Ms. Perry. Adopted unanimously.

3) Discussion of the adoption by the Board of Supervisors of the language suggested by the Task Force regarding informing the public of Sunshine Ordinance rights on each notice. Moved by Mr. McQuarters. Adopted unanimously.

The Task Force adjourned at 6:55 in honor of Joseph Van Ness-Ballesteros.

DOCUMENTS DEPT.
SEP 07 1995
SAN FRANCISCO
PUBLIC LIBRARY

Sunshine Ordinance Task Force

✦✦✦Notice of Regular Meeting and Agenda✦✦✦

Regular Meeting of Wednesday, September 20, 1995 at 4:00 p.m.
1660 Mission Street, Conference Room 2001

1. Roll Call

2. Consideration and Adoption of Minutes, Meeting of August 16, 1995 (Public Comment)

3. Discussion and Action on a Request by the Department of Public Works to Amend the Sunshine Ordinance Section 67.20(b) to Exempt from the Definition of "Public Information" Computer Software Developed by the City and County of San Francisco. (Resolution No. 95005) (Public Comment)

   A. Presentation by Terry Francke, Executive Director, First Amendment Coalition.

4. Resolution to Amend Rules and Regulations of the Task Force by Adding Section Article V, Section 15 to Provide That All Meetings of the Task Force Shall be Tape Recorded. (Resolution No. 95012) (Public Comment)

5. Discussion and Action on the Adoption by the Board of Supervisors of the Language Suggesting by the Task Force Regarding Informing the Public of Sunshine Ordinance Rights on Each Meeting Notice, Including Dissemination and Enforcement. (Resolution No. 95013) (Public Comment)

6. Discussion of the Advantages and Disadvantages of Establishing a Structure of Committees for the Task Force.

7. Discussion and Action on the Sending of a Letter to the Board of Supervisors and Other Entities Involved in the Development of the 911 System Urging That it Allow for the Required Disclosure of Public Records Without Violating Required Confidentiality or Asking the City Attorney to Draft an Ordinance That Would Accomplish this Goal. (Resolution No. 95009) (Public Comment)

8. Discussion and Action on the Sending of a Letter to the Electronic Information Processing Steering Committee Requesting That a Standard Be Established That Development of Databases Provide for the Required Disclosure of Public Records Without Violating Required Confidentiality. (Resolution No. 95010) (Public Comment)

9. Discussion and Action on Standards of Conduct by Members of the Sunshine Ordinance Task Force on Issues Relating to Brown Act, Public Records Act and Sunshine Ordinance. (Resolution No. 95011) (Public Comment)

10. Report of the Clerk

    a. Communications (Public Comment)

    b. Complaint of Andrew Solow re County Recorder (No. 95-7) (Public Comment)

    c. Complaint of Member Robert Planthold re Police Commission (No. 95-8) (Public Comment)

    d. Complaint of Member Robert Planthold re Airport Commission Board (No. 95-9) (Public Comment)

    e. Complaint of Member Sue Hestor re Assessment Appeals Board (No. 95-10) (Public Comment)

11. Discussion and Action on the Creation of an Historical Collection of the Task Force, Including a Photographic Record of the Task Force Members. (Resolution No. 95013) (Public Comment)

12. Public Comment on Items not Appearing on the Agenda but within the Subject Matter Jurisdiction of the Task Force (This Will Be the First New Item Considered after 5:00 P.M.)

13. Setting of the Agenda for the next Regular Meeting (Public Comment)

14. Adjournment

SF
S88
#2
9/20/95

SF

Sunshine Ordinance Task Force
Approved

DOCUMENTS DEPT.
DEC 11 1995
SAN FRANCISCO
PUBLIC LIBRARY

✦✦✦Minutes of Meeting✦✦✦
Regular Meeting of Wednesday
September 20, 1995 at 4:00 p.m.

Item No. 1: Roll Call - Present: Berk, Brugmann, Chaffee, Hestor, McQuarter, Perry, Planthold, Pritzker [5:00], Ramirez [4:40]
Ex Officio: Nishioka, Prowler, Taylor, [Jill Lerner]
Staff: Deputy City Attorney Amy Ackerman, Deputy City Attorney John Cooper
Invited Guest: Terry Francke

Excused: Bellingham, Whistler

The Chair showed us the calligraphic poster of a segment of the Sunshine Bill of Rights done for the parents of Joe Van Ness-Ballesteros.

Item No. 2: Approval of the Minutes - Minutes not available prior to the meeting. Ms. Hestor moved to postpone approval of the minutes of the regular August meeting to the next Task Force meeting. The motion was passed unanimously.

Item No. 3 was postponed until the arrival of Terry Francke.

Item No. 4: Resolution No. 95012 to Amend Rules and Regulations of the Task Force by Adding Section Article V, Section 15 to Provide That All Meetings of the Task Force Shall be Tape Recorded. Ms. Perry moved, Ms. Berk seconded the above draft resolution. Brugmann moved to amend the resolution by making the time one year for the keeping of any such tape recording. Seconded by Ms. Perry. The motion to amend passed unanimously.

Public comment on this item: Mr. Partansky called attention to how Item 11 dealt with archival information.

The motion to amend the Rules and Regulations passed unanimously.

Item No. 5: Discussion and Action on the Adoption by the Board of Supervisors Informing the Public of Sunshine Ordinance Rights on Each Meeting Notice. The Amendments to the Sunshine Ordinance recently passed by the Sunshine Ordinance Task Force have been signed into law by the Mayor on 8 September, 1995. Mr. McQuarters wanted us to consider how to monitor whether and when departments and commissions are notified and also whether and when departments are complying. Clerk of the Board of Supervisors John Taylor suggested an easy way to monitor compliance is to look in the government documents section of the San Francisco Public Library, Main Branch after October 8, by which time the amendments are in effect.

Item No. 6: Discussion of the Advantages and Disadvantages of Establishing a Structure of Committees for the Task Force. The chair turned over handling of chairing duties to Ms. Perry so he could speak as a member, discussed the course of his thinking about getting appropriate and public directed inquiry and analysis on having (a) segment(s) of the Task Force work on an issue.

Public comment on this item: Two citizens, Timothy Gillespie and Lurilla Harris, separately supported the Task Force's forming committees so as to better and more directly support the Sunshine Ordinance.

Mr. Chaffee told us the course of the Ethics Commission's considerations and actions on committee formation: that the Ethics Commission first formed committees and then — realizing it needed to do notices of committee meetings — un-formed them. Mr. Chaffee then opined that the Ethics Commission then burdened individual members with tasks and suffered from lack of public involvement.

Ms. Perry, acting as chair, pointed out how individuals have an office/responsibility (for example: Media Liaison) that could be shared or effectuated through more than one person. Individual members (McQuarters, Ramirez, Planthold) separately talked of their willingness to be on a committee and/or on how to better focus Task Force inquiries on specific issues and agenda items.

The acting chair asked Deputy City Attorney Ackermann about our ability and the difficulties in forming committees.

Ms. Ackermann told us we could form committees as long as required notice of any committee meetings is effectuated.

Terry Francke was asked by Mr. Brugmann for his views on our ability to — and the wisdom of — forming committees. Ms. Perry asked Mr. Francke whether the Task Force should form committees. Mr. Francke declined to answer because he felt he didn't know enough about this particular situation. Ms. Perry then turned the chair back to Mr. Chaffee.

Item No. 3: Resolution No. 95005 on a Request by the Department of Public Works to Amend the Sunshine Ordinance Section 67.20(b) to Exempt from the Definition of "Public Information" Computer Software Developed by the City and County of San Francisco. As Terry Francke had arrived the Task Force returned to this item, which had been postponed. The chair summarized the results of last month's discussion concerning the Department of Public Work's ("DPW's") request to exempt some software - a Geographic Information System ("GIS") — developed by the department from being covered by the right to duplicate at appropriate legislated costs.

Mr. Francke was invited by the chair to address the Task Force on this issue. Mr. Francke handed us a memorandum wherein he opined that proprietary software information is exempt from the Public Records Act. Yet, he did include a draft text

suggestion for such an exemption, in case we (or any other appropriate body) felt it appropriate to recommend such an amendment.

The chair asked Mr. Francke whether DPW would be required to copy the GIS software at legislated cost if the Sunshine Ordinance were not amended to include any such public information exemption.

Deputy City Attorney Cooper, on behalf of DPW, talked of how his letter went further in its analysis than Mr. Francke and pointed out that the city had a duty to provide information and was not just wanting to convey information.

Deputy City Attorney Ackermann didn't feel she had much of significance to add to the earlier September memorandum. She pointed out how the law was and is slower than the technology. She further said that though the Task Force was advisory, nothing precluded us from recommending both any clarifying/exempting amendment and also a separate resolution concerning the public's being able to get information via computer terminal modem.

Ms. Perry asked questions of DPW representative, George White, about the department's ability to release information provided to it by other city departments. She also asked whether possible failure to recommend an exempting amendment would inhibit/deter DPW from going ahead with further development of this proposed GIS software.

Ms. Hestor then pointed out how the Sunshine Ordinance and the Task Force were supposed to expand the public's right to public information and not contract it. She then suggested some additional text changes to Mr. Franke's preliminary version of an exemption amendment.

Vice-chair Pritzker asked of the DPW representative whether and how this system is or could be segmented. Deputy City Attorney Cooper noted how he had found that New York City's system made information available to public agencies at lower cost than to the public. Further, he opined that this GIS system could/would be before every department/commission in the city and so these comments could recur.

The chair felt there was not yet a meeting of the minds about the necessity and/or prudence of passing an exempting amendment. The Deputy City Attorney for DPW, John Cooper, had indicated the city should not proceed in developing this GIS system without an amendment; Mr. Francke felt it wasn't necessary, but probably helpful.

Public comment on this item: Mr. Gillespie of the Public Access Project felt there was a confusion of "data" with the "data delivery system." He felt that the making of more information available was an obvious situation since every day new, and therefore more, information was created. He then drew on his recent experiences with the San Francisco Library Commission and Department in starting/developing

an economically two-tiered availability of information to those who can financially afford it and those who can't.

Mr. Partansky, involved with Contra Costa City's move to open government information, told us of his familiarity with New York City's "Building Partnerships for Electronic Record Keeping" (phone: (518) 474-6771), which is available free. He suggested we consider also getting familiar. Further, he told us of the National Technical Information Service, which makes government information available. And, he told us how a State of California educational agency has 500 different publications available, all for sale. [Public comment closed.]

Ms. Hestor moved an amendment to the Sunshine Ordinance, Section 67.20(b), seconded by Mr. Brugmann, that took Deputy City Attorney Cooper's language and added Mr. Francke's language as modified by her, to wit:

> "Public Information" shall not include "computer software" developed by the City and County of San Francisco as defined in the California Public Records Act (Government Code Section 6254.9). Public information shall not, for purposes of copying, include computer application software or machine instructions developed by the City and County of San Francisco, including geographic information systems and similar electronic implements, which may be sold, leased or licensed pursuant to Government Code Section 6254.9, provided that [revenues from any such transaction be used, before other purposes, to subsidize] [there must be] free use of any such system and the availability of any data developed by members of the public both on line via city-maintained public terminals in the public libraries and other city offices and via modem connections to personal computers.

Ms. Perry moved to amend the above resolution, seconded by Mr. Ramirez, to add the highlighted text and delete the underlined text above, to include the public access guarantee.

Mr. Prowler told us of his experience on the State Legislation Committee having a checklist with a range of options on support/opposition. He felt the Task Force should best respond to DPW's proposal as such and then modify it by any amendments of our own.

Mr. Ramirez felt the Task Force needed to protect public access to information and that maybe DPW needs to go ahead with developing the GIS system and with the proposed Sunshine Ordinance amendment.

Mr. Prowler noted how there seemed to be two issues linked here: The city's ability to license information and the public's right to access to information.

Ms. Perry then felt every action we take ought to advance public information and the public right(s) to access it. She felt we ought to establish this as a precedent in any interactions with departments.

Ms. Hestor felt Ms. Perry's amendment to the main motion should not be supported until the revenue stream of the licensing fees is dedicated, to some extent, to providing the "hardware" for public access to government information.

The question was called on the Perry amendment. Ayes: Chaffee, McQuarters, Perry, Pritzker, Ramirez. No: Brugmann, Hestor, Planthold.

Point of Order by Deputy City Attorney Ackermann: Does it take a majority of those present to pass an amendment or a majority of the entire body. The chair ruled that only a majority of those present and voting was required.

The question on the main motion was called. The motion passed unanimously.

It was then asked of Mr. Prowler whether, on the basis of his experience with the State Legislation Committee, our motion to amend the Sunshine Ordinance is in concurrence with the DPW resolution. Mr. Prowler felt the State Legislation Committee wouldn't have done what we did and so his experience did not bear directly on this case.

The representative of DPW felt that generally our actions were in support of his department's motion.

Item No. 12: Public Comment on Items not Appearing on the Agenda. Ms. Hestor asked whether copies for the public of her handout relevant to Agenda Item #9 could be made available prior to the calling of the item.

Item Nos. 7 & 8 [called together]: Discussion and Action on the Sending of a Letter or Drafting an Ordinance Urging That the 911 System and the Development of Databases Provide for the Required Disclosure of Public Records Without Violating Required Confidentiality. Ms. Hestor had earlier committed to put the cited letter into appropriate form asking the Deputy City Attorney for the Task Force to put these concerns into ordinance form.

It was moved by Ms. Hestor, and seconded by Mr. Planthold, that the City Attorney be requested to draft two ordinances implementing items 7 and 8, which will then come back to the Task Force for a hearing before going to the Board.

Public Comment on this item: Ms. Harris opined that the Task Force should not send any ordinance to the Board of Supervisors until there had been a public hearing here.

The motion was passed unanimously.

Item No. 9: Resolution No. 95011 on Standards of Conduct by Members of the Sunshine Ordinance Task Force. The chair passed the gavel to Vice-chair Pritzker.

Ms. Hestor, as author of these draft standards, led the discussion. She felt conflict of interest standards are helpful.

Mr. Brugmann talked from his experience as publisher of the SF Bay Guardian and an article concerning a Sunshine Ordinance complaint by Ms. Hestor.

Mr. Planthold talked of how the draft standards would not apply to Mr. Brugmann, even though the wording of his paper's story might be interpreted as supporting the complaint prior to the full Task Force hearing the complaint. Further, he felt that the agenda listing some complainants as members of the Task Force is necessary for full and appropriate disclosure and to separate that name from anyone else with the same name. Finally, he asked whether, if points 5 and 6 were passed, the recusing member would count toward the quorum.

Mr. McQuarter felt that point 1, as drafted, prevents any Task Force member from even mentioning such membership, when and if applying for any other governmental appointment.

Mr. Chaffee noted that there had been no motion made, but addressed his comments to the draft anyway. He felt point 2 was fine. He felt point 1 was already addressed by existing city law. He felt that points 3 and 4 addresses when the individual — including Task Force members — believes the Sunshine Ordinance is being violated but does not have a personal interest. He felt that a personal interest precludes voting by existing law.

Mr. Planthold talked about how he also had been approached by another individual at another agency's meeting and asked to follow through on this oral complaint. Under points 5 and 6, he would be precluded from voting on this issue even when asked to make the complaint.

Public Comment on this issue: Ms. Harris felt that members need not recuse themselves when making a complaint and that the language should be refined. Mr. Partansky felt that though we each represent a "constituency," we represent all the public when sitting as a member. [Public comment closed.]

Mr. Brugmann felt that complainant members need to recuse themselves to be fully independent.

Ms. Hestor moved, Mr. Planthold seconded, to postpone this item to early in the next meeting. The motion passed unanimously.

Item No. 10: Report of the Clerk: Mr. Prowler reported on each of the complaints listed and on subsequent complaints not listed on our agenda.

Further, Mr. Prowler introduced his successor as Chief Administrative Officer designee, Ms. Jill Lerner. Her phone number is 554-6075; otherwise her address and fax numbers are the same as for Mr. Prowler.

Also, ex officio member Naomi Nishioka needs to resign due to the proximity of three elections within the next few months.

Secretary Planthold asked someone to take minutes so he could raise significant procedural questions about one of his complaints.

Mr. McQuarters then had to leave, which would have dissolved the quorum.

The Task Force adjourned at 7:13 in honor of our departing members David Prowler and Naomi Nishioka.

SF
588
#1
1/18/95

Sunshine Ordinance Task Force

City and County of San Francisco

DOCUMENTS DEPT.
JAN 17 1996
SAN FRANCISCO
PUBLIC LIBRARY

Sunshine Ordinance Task Force

✦✦✦Notice of Regular Meeting and Agenda✦✦✦

Regular Meeting of Wednesday, October 18, 1995 at 4:00 p.m.
1660 Mission Street, Conference Room 2001

1. Roll Call

2. The Meeting Will Begin with the Task Force Being Photographed for its Historical Record.

3. Consideration and Adoption of Minutes, Meetings of August 16, 1995 and September 20, 1995 (Public Comment)

4. Discussion of Informing the Public of Sunshine Ordinance Rights on Each Meeting Notice (Public Comment)

5. Discussion and Action on Standards of Conduct by Members of the Sunshine Ordinance Task Force on Issues Relating to Brown Act, Public Records Act and Sunshine Ordinance. (Resolution No. 95011) (Public Comment)

6. Discussion and Action on the City Attorney's Draft of an Ordinance That Development of Databases by the City and County of San Francisco and the 911 System Provide for the Required Disclosure of Public Records Without Violating Required Confidentiality. (Resolution No. 95009) (Public Comment)

7. Complaint of Member Robert Planthold re Police Commission (No. 95-8) (Public Comment)

8. Complaint of Member Robert Planthold re Airport Commission Board (No. 95-9) (Public Comment)

9. Complaint of Member Sue Hestor re Assessment Appeals Board (No. 95-10) (Public Comment)

10. Discussion and Action on the Creation of an Historical Collection of the Task Force. (Resolution No. 95013) (Public Comment)

11. Discussion of the Dissemination of the Sunshine Ordinance Bill of Rights in Brochure or Other Format. (Public Comment)

401 Van Ness, Room 402 (415) 554-7940 San Francisco, CA 94102

12. Discussion of the Application of Meeting Notice Requirements (Public Comment)

13. Report of the Clerk

    a. Communications (Public Comment)

    b. Complaint of Bill Hale re San Francisco Public Library (No. 95-11) (Public Comment)

14. Public Comment on Items not Appearing on the Agenda but within the Subject Matter Jurisdiction of the Task Force (This Will Be the First New Item Considered after 5:00 P.M.)

15. Setting of the Agenda for the next Regular Meeting (Public Comment)

16. Adjournment

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14- Mission limited, and 42-Downtown Loop run nearby. The 9, 26, 66, and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415-923- 6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Kwietha Bolden at 558-6164 at least 72 hours in advance of the meeting.

SF
388
2
10/18/95

SF

Sunshine Ordinance Task Force
Approved

✦✦✦Minutes of Meeting✦✦✦
Regular Meeting of Wednesday
October 18, 1995 at 4:00 p.m.

DOCUMENTS DEPT
DEC 11 1995
SAN FRANCISCO
PUBLIC LIBRARY

Item No. 1: Roll Call - Present: Berk, Brugmann, Chaffee, Hestor, McQuarter, Perry, Planthold, Pritzker, Whistler
Ex Officio: Ricardo Hernandez, Taylor, Prowler [substituting for Jill Lerner]
Invited Guest: Former Task Force Member Dr. Melinda Cuthbert

Excused: Bellingham, Ramirez

Item No. 2: A group photograph was delayed to accommodate any late arrivals.

Item No. 3: Approval of the Minutes - Minutes for the 16 August and 20 September meetings were approved unanimously without correction.

At this point in the meeting the Task Force recessed to the front of the building for a group photograph.

Item No. 4: Discussion of Informing the Public of Sunshine Ordinance Rights on Each Meeting Notice. The chair noted he had researched the San Francisco Public Library's notice file in the government documents section and listed those many bodies NOT yet providing the newly required information that each agenda indicate people have rights under the Sunshine Ordinance. Included in the list of non-complying bodies is the Task Force itself. Clerk of the Board of Supervisors John Taylor volunteered to send out a specific reminder to departments (either the executive director or the secretary). Other suggestions were made, but as this was not an action item we did not entertain any motions.

Item No. 5: Resolution No. 95011 on Standards of Conduct by Members of the Sunshine Ordinance Task Force. It was moved by Hestor and seconded by Planthold that this item be postponed until the next meeting. The motion passed unanimously.

Item No. 6: Resolution No. 95009 on the City Attorney's Draft of an Ordinance That Development of Databases by the City and County of San Francisco and the 911 System Provide for the Required Disclosure of Public Records Without Violating Required Confidentiality. In the absence of a response from the City Attorney it was moved by Whistler and seconded by Perry that this item be postponed until the next meeting. The motion passed unanimously.

Item No. 7: Complaint of Member Robert Planthold re Police Commission. Mr. Planthold felt the complaint had been addressed and dealt with.

Item No. 8: Complaint of Member Robert Planthold re Airport Commission Board. [Hestor agreed to take the minutes during this item.]

Mr. Planthold indicated that the complaint against the Airport Commission was unresolved and that this was partly due to the Deputy City Attorney's response. Though the text of the complaint cites details of the access violations and the inactivity on the part of the Airport Commissioners and staff, the complete text of the complaint was NOT sent out by the Deputy City Attorney, only her summary and response. That practice stands in contrast to the handling of Hestor's complaint, which was sent out in its entirety. With regard to Planthold's complaint, the DCA's response is NOT to the language of the complaint. Rather, the Deputy City Attorney's response is based on an oral conversation with a peer Deputy City Attorney and as such is significantly incomplete and biased.

Mr. Whistler asked whether we should send this complaint to the Deputy City Attorney assigned to the Task Force again.

The second part of Mr. Planthold's Airport Commission complaint dealt with meetings subsequent to the 25 July meeting that generated the initial complaint. He told the Task Force the access violations (blocked aisles and lack of audio broadcast to those in the hall unable to get in the meeting room) continued, despite the posting, in a far corner of the room and not visible from the doorway, of a sign requesting people to give up their seats to the disabled and seniors. Since these meetings happened after the Task Force's Deputy City Attorney drafted her response, Mr. Planthold wondered whether these should be separate and additional violations and also what the Task Force could/would do to get somebody in the City Attorney's office to fully pay attention to Task Force complaints.

The chair pointed out that the City Attorney's role for the Task Force was not to investigate or resolve complaint but merely to offer legal opinions in situations where that might lead to informal resolution. Mr. Brugmann indicated that the Task Force's own rules and regulations contain a range of options. Ms. Perry asked what action can be taken given that the agenda does not list "action" within the text.

Ms. Hestor felt that action can be taken if reasonably related to the agenda item, especially if the agenda item isn't restricted by the limitation "information only." Clerk of the Board of Supervisors John Taylor felt we might be able to take action if the agenda item reasonably describes the topic and that the action could reasonably be interpreted to be covered by the notice. The chair offered to study the issue and consult with the City Attorney.

Mr. Planthold felt it important for us to come to some solution for the access problems and also consider this as indicative of a need for a better educational process.

Mr. McQuarters wondered whether the Task Force, as a first warning sign, can send a letter saying we have had a complaint. The chair wondered whether said we can send a letter pointing out a violation without first conducting a hearing. Mr. Whistler suggested writing a letter and sending a representative to read it to the Airport Commission.

Mr. Prowler felt some of the issues are open and shut such as architectural problems and the lack of amplification into the hallway.

It was moved by Hestor, seconded by Brugmann to send a letter to the Airport Commission attaching Mr. Planthold's original complaint stating that the issues raised are substantial access issues as well as Sunshine Ordinance issues and inviting a representative of that body to our next Task Force meeting and simultaneously to send a letter to the department responsible for the maintenance of the commission room about the need for providing access and inviting a representative to our next Task Force meeting (this letter would likely be addressed to the Chief Administrative Officer). Mr. Planthold felt this two-part motion ably addressed his concerns.

The motion passed unanimously.

Item No. 14: Public Comment on Items not Appearing on the Agenda. There was no public comment.

It was moved, seconded and approved unanimously that Item No. 13(b) be taken out of order.

Item No. 13 (b): Complaint of Bill Hale re San Francisco Public Library

Mr. Hale summarized a complaint he filed nearly a month ago. He got some parts of a collection development plan he had requested but not the entire plan. When he asked for the missing parts, he was not given them but instead told he could copy it elsewhere. His first unresolved complaint to the Task Force was 16 September, his second unresolved complaint was 20 September. He even noted that there was an incomplete copy of this plan in a library office. There was some doubt whether this full document had in fact been presented to either the Library Commission or any committee thereof.

Public Comment on this issue: Timothy Gillespie told of his experience with the Library Commission concerning documents designated "draft" as well as Brown Act issues. He indicated that the missing sections deal with budget matters in the millions of dollars. Further he had experienced a stated need by library staff to seek approval for release of (some) documents from either the Library Commission or the Secretary thereto.

Mr. Whistler noted that since Mr. Gillespie had received part of the section(s) denied Mr. Hale, therefore, City Librarian Dowlin's response was both inaccurate and invalid. Ms. Hestor asked if Mr. Gillespie and Mr. Hale could jointly come up with a list of the various problems and denied requests.

It was moved by Brugmann, seconded by Whistler, that the chair send a letter to the Library Commission asking that the missing documents be supplied.

It was moved, seconded and approved unanimously that Item No. 15 be taken out of order.

Item No. 15: Setting of the Agenda for the next Regular Meeting (Public Comment)

It was moved by Hestor, seconded by Perry, to place on the agenda action moving the date of the December meeting because of the proximity to Christmas. The motion was passed unanimously.

It was moved by Perry, seconded by Planthold, to place on the agenda development of a Sunshine Bill of Responsibilities. The motion was passed unanimously.

It was moved by Brugmann, seconded by Planthold, to place on the agenda discussion of the Sunshine Ordinance responsibilities of agencies that say they are private but are using public land, facilities, staff, etc. The motion was passed unanimously.

It was moved by Perry, seconded by McQuarters, to place on the agenda taking action regarding a monthly report of all complaints and a system for tracking the status of complaints. The motion was passed unanimously.

Item No. 9: Complaint of Member Sue Hestor re Assessment Appeals Board. Ms. Hestor told us she still hadn't received any response from the Deputy City Attorney about her complaint. With regard to the Assessment Appeals Board, she noted that it deliberates in private. She said that even if the Sunshine Ordinance doesn't apply, it seems the Brown Act may be violated. The Assessment Appeals Board does not give notice of meetings when there's a likelihood the vote would not be unanimous. Further, she said the Assessment Appeals Board composed of three members has telephone call meetings of just two members. The Assessment Appeals Board has no transcript and no minutes but does tape the meetings; however the staff says the meetings are not public and the tapes are confidential.

It was moved by Brugmann, seconded by Planthold, to invite Deputy City Attorney Delventhal to come to the next meeting to explain the issues regarding this complaint. Mr. Prowler indicated he had several times tried to get a response without results. Mr. Brugmann amended his motion to send the letter to City Attorney Louise Renne, with a copy to Terry Francke of the First Amendment Project. The motion was passed unanimously, with Ms. Hestor abstaining without permission.

Several members then had to leave, which would have dissolved the quorum.

The Task Force adjourned at 6:10.

SF
388
#1
11/15/95

DOCUMENTS DEPT.
NOV 0 9 1995
SAN FRANCISCO
PUBLIC LIBRARY

Sunshine Ordinance Task Force

✦✦✦Notice of Regular Meeting and Agenda✦✦✦

Regular Meeting of Wednesday, November 15, 1995 at 4:00 p.m.
1660 Mission Street, Conference Room 2001

1. Roll Call

2. Consideration and Adoption of Minutes, Meetings of October 18, 1995 (Public Comment)

3. Discussion and Action Regarding Enforcement of the Requirement that the Public be Informed of Sunshine Ordinance Rights on Each Meeting Notice (Resolution No. 95012) (Public Comment)

4. Discussion and Action on Standards of Conduct by Members of the Sunshine Ordinance Task Force on Issues Relating to Brown Act, Public Records Act and Sunshine Ordinance. (Resolution No. 95011) (Public Comment)

5. Hearing and Action Regarding a Complaint of Member Robert Planthold re Airport Commission Board (No. 95-9) (Public Comment)

6. Hearing and Action Regarding a Complaint of Member Sue Hestor re Assessment Appeals Board (No. 95-10) (Public Comment)

7. Hearing and Action Regarding a Complaint of Bill Hale re San Francisco Public Library (No. 95-11) (Public Comment)

8. Discussion of the Application of Meeting Notice Requirements (Public Comment)

9. Discussion and Action Regarding the Creation of a Monthly Report of All Complaints and a System for Tracking the Status of Complaints. (Resolution No. 95013) (Public Comment)

10. Discussion and Action on Cancelling the December Regular Meeting and Replacing it with a Special Meeting on Another Date. (Resolution No. 95014) (Public Comment)

11. Discussion Regarding the Development of a Sunshine Bill of Responsibilities. (Public Comment)

12. Discussion of the Sunshine Ordinance Responsibilities of Agencies That Claim to Be Private but Are Using Public Land, Facilities, Staff, Etc. (Public Comment)

13. Report of the Clerk

    a. Communications (Public Comment)

    b. Complaint of Member Robert Planthold re San Francisco Health Authority dated November 3, 1995 (No. 95-12) (Public Comment)

    c. Complaint of Member Robert Planthold re San Francisco Airports Commission dated November 6, 1995 (No. 95-13) (Public Comment)

14. Public Comment on Items not Appearing on the Agenda but within the Subject Matter Jurisdiction of the Task Force (This Will Be the First New Item Considered after 5:00 P.M.)

15. Setting of the Agenda for the next Regular Meeting (Public Comment)

16. Adjournment

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT 554-6075.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14-Mission limited, and 42-Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, cal 415-923-6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 558-6164 at least 72 hours in advance of the meeting.

Sunshine Ordinance Task Force
Draft

DOCUMENTS DEPT.
MAR 2 2 2002
SAN FRANCISCO
PUBLIC LIBRARY

✦✦✦Minutes of Meeting✦✦✦
Regular Meeting of Wednesday
November 15, 1995 at 4:00 p.m.

Item No. 1: Roll Call - Present: Brugmann, Chaffee, McQuarter, Perry, Planthold, Whistler, [at 5:00 p.m. Berk, Ramirez]
Ex Officio: John Taylor, Jill Lerner
City Staff: Burk Delventhal, Deputy City Attorney

Excused: Bellingham, Hestor, Pritzker

Item No. 2: Approval of the Minutes - Minutes for the 18 October meeting were approved unanimously without correction.

It was moved by Ms. Perry, seconded by Mr. McQuarters and approved unanimously to take Item No. 5 out of order.

Item No. 5: Discussion by Mr. Planthold of Complaint 95-9 re the San Francisco Airport Commission meeting of 25 July 1995. Specific concerns: 1) failure to address the "loudspeaker" requirements of the Sunshine Ordinance, Section 67.15a; 2) Deputy City Attorney Amy Ackerman's reliance on oral conversation with another deputy city attorney (Morales) and not text of complaint; and 3) Deputy City Attorney's failure to send complete complaint and supporting documents for Planthold's complaint but did so for Ms. Hestor's complaint. The issue is one of unequal responses to different complaints.

Mr. Delventhal said that with regard to the first concern, it is a factual determination as to what is reasonable in the expectation [of city commissioners and staff] as to what size crowd will come out for any item or meeting. Mr. Planthold responded that since the meeting cited concerned BART-to-the-Airport, it certainly should have been evident that the audience would be much larger than usual.

Ms. Perry indicated that the Sunshine Ordinance Task Force needs to educate department heads and commissioners. She felt that Deputy City Attorney Ackerman treated Mr. Planthold's complaint differently than Ms. Hestor's.

Public Comment on this issue: Ms. Harris felt that training should be available - starting with the various deputy city attorneys.

Mr. Brugmann asked for suggestions from Mr. Delventhal. Mr. Delventhal suggested that the Mayor could be asked to convene a training session for his commissioners.

It was moved by Ms. Perry, seconded by Mr. McQuarters that the chair send a letter to the Airport Commission delineating its responsibilities regarding access and

Sunshine Ordinance Section 67.15 and listing the options regarding remedies with respect to Mr. Planthold's complaint, and the Task Force review process, with a copy to the Airport Director. The motion also directs the chair to meet with the appropriate individuals and to report back to the Task Force on the status of compliance. The motion passed unanimously.

Ms. Perry further urged that the Supervisors and the Mayor create a Sunshine Ordinance orientation.

Item No. 14: Public Comment on Items not Appearing on the Agenda.

Mr. Bill Hale suggested that the Sunshine Ordinance Task Force acknowledge complaints and number them as well, so that the complainant will know which complaint is which.

It was moved by Mr. Planthold, seconded by Ms. Perry that Item No. 6 be taken out of order. Ayes: Berk, Brugmann, Chaffee, Planthold, Perry, Ramirez, Whistler. No: McQuarters.

Item No. 6: Hearing and Action Regarding a Complaint of Member Sue Hestor re Assessment Appeals Board (No. 95-10). City Attorney Burk Delventhal cited a California State Attorney General's opinion regarding the applicability of the Sunshine Ordinance, the Brown Act and the Public Records Act to the Assessment Appeals Board. Mr. Delventhal stated that the Task Force could recommend that the Board of Supervisors amend the Sunshine Ordinance to apply also to the Assessment Appeals Board. The California Constitution provides that the Board of Supervisors is the Board of Equalization, so whether the creation by a Board of Supervisors of an Assessment Appeals Board is the creation of a policy body is not clear.

Mr. Taylor suggested that perhaps the hearing function of the Assessment Appeals Board should conform to the Sunshine Ordinance, irrespective of whether the deliberations themselves must be in public. He noted that since the California Revenue and Taxation Code stated that they "may" deliberate in private, may make it possible for the Board of Supervisors to require that it meet in public.

It was moved by Mr. Brugmann, seconded by Ms. Perry to request that the Office of the City Attorney draft legislation to have the Assessment Appeals Board be subject to both the Sunshine Ordinance and the Brown Act. The motion was passed unanimously.

It was moved by Mr. Planthold, seconded by Ms. Perry that Item No. 7 be taken out of order. The motion was passed unanimously.

Item No. 7: Hearing and Action Regarding a Complaint of Bill Hale re San Francisco Public Library (No. 95-11). City Attorney Burk Delventhal discussed how a document may go through various stages and drafts. He noted that the Sunshine Ordinance does not override the "deliberative process privilege" until that document is

actually submitted. He then cited the history of a request by a group during Mayor Feinstein's administration for all documents used in the preparation of the city budget. Mr. Delventhal stated there were two categories of documents: one, those purely factual, which had to be disclosed, and two, those analytical and related to developing options, which did not have to be disclosed.

The chair pointed out that the Library Department's document in question was dated March, 1995, but the City Librarian's refusal to provide a complete copy of the same is dated in September, 1995, six months after its apparent issuance. Mr. Taylor pointed out the inconsistency of the City Librarian's wording "until adopted" versus "submitted."

The chair then read Sunshine Ordinance Section 67.24 regarding non-exempt public information. Mr. Brugmann suggested that Mr. Delventhal come regularly to Task Force meetings because he is so knowledgeable.

Mr. Hale, the complainant, noted that the complaint is against the City Librarian, yet the Task Force's letter is to the Library Commission leading to possible confusing responses. He pointed out that the delay in response affected the importance of the concerns, as budget decisions were already made.

It was moved by Mr. Brugmann, seconded by Mr. McQuarter that the Task Force send a letter requesting City Librarian Dowlin and the President of the Library Commission or a designee from the Library Commission attend the next meeting of the Task Force to address Mr. Hale's complaint and the concern of providing access to information to the general public. Mr. Brugmann asked for comment from other library advocates regarding their experience. Mr. Whistler talked of his experience with delays in the public getting information prior to commission meetings. Further, some budget items were brought directly to the full Library Commission without first going through the Finance Committee - even though that was the vehicle for the budget.

The chair said he felt asking the City Librarian to attend our meeting was appropriate. The motion was passed unanimously.

Item No. 3: Discussion and Action Regarding Enforcement of the Requirement that the Public be Informed of Sunshine Ordinance Rights on Each Meeting Notice (Resolution No. 95012). The chair referred the Task Force to his compilation of those agencies not yet including the notice that the public has rights under the Sunshine Ordinance.

It was moved by Mr. McQuarters, seconded by Mr. Planthold that the Task Force send a letter to the policy bodies themselves informing them of the new requirement under the ordinance and requesting compliance. It was suggested that a list of policy bodies might be available from the Science and Government Documents department of the library. The question arose as to whether there is a master list of policy bodies subject to the Sunshine Ordinance. The motion passed unanimously.

Item No. 4: Discussion and Action on Standards of Conduct by Members of the Sunshine Ordinance Task Force on Issues Relating to Brown Act, Public Records Act and Sunshine Ordinance (Resolution No. 95011). It was moved by Mr. Planthold, seconded by Ms. Perry to postpone this item to the December, 1995 meeting.

It was moved by Mr. Planthold, seconded by Ms. Perry to take Item No. 10 out of order. The motion was passed unanimously.

Item No. 10: Discussion and Action on Cancelling the December Regular Meeting and Replacing it with a Special Meeting on Another Date (Resolution No. 95014). Mr. Chaffee stepped out of the chair and turned the gavel over to Ms. Perry. Mr. Chaffee argued against changing the date. Mr. Planthold also argued against changing the date.

It was moved by Mr. Planthold, seconded by Ms. Perry that the December meeting be moved to December 13, 1995. Ayes: Berk, Brugmann, McQuarters, Perry, Ramirez, Whistler. No: Chaffee, Planthold.

Item No. 8: It was moved by Mr. Planthold, seconded by Mr. Ramirez that this item be postponed to the December meeting. The motion was passed unanimously.

Member Perry departs.

Item No. 9: It was moved by Mr. Planthold, seconded by Mr. Ramirez that this item be postponed to the call of the chair. The motion was passed unanimously.

Item No. 11: It was moved by Mr. Whistler, seconded by Mr. Planthold that this item be postponed to the December meeting. The motion was passed unanimously.

Item No. 12: It was moved by Mr. Brugmann, seconded by Mr. Ramirez that this item be postponed to the December meeting. The motion was passed unanimously.

Mr. Brugmann stated that the Steinhart Aquarium finally, reluctantly disclosed the agreement that had been requested. Mr. Brugmann felt that a precedent may have been established for private agencies seeking bond funds need to disclose information to the public and that they should be pressured to commit themselves to the Sunshine Ordinance and the Brown Act.

The Task Force adjourned at 6:25.

SF
388
#1
2/13/95
special
2/21/95 canceled

DOCUMENTS DEPT.
DEC 0 8 1995
SAN FRANCISCO
PUBLIC LIBRARY

SF

Sunshine Ordinance Task Force

The Regular Meeting of December 21, 1995, at 4:00 p.m. is canceled

✦✦✦Notice of Special Meeting and Agenda✦✦✦

Special Meeting of Wednesday, December 13, 1995 at 4:00 p.m.
1660 Mission Street, Conference Room 2001

1. Roll Call

2. Consideration and Adoption of Minutes, Meeting of November 15, 1995 (Public Comment)

3. Hearing and Action Regarding a Complaint of Member Robert Planthold re Airport Commission Board (No. 95-9) (Public Comment)

4. Hearing and Action Regarding a Complaint of Bill Hale re San Francisco Public Library (No. 95-11) (Public Comment)

5. Hearing and Action on the City Attorney's Draft of an Ordinance Requiring That Development of Databases by the City and County of San Francisco and the 911 System Provide for the Required Disclosure of Public Records Without Violating Required Confidentiality. (Resolution No. 95009) (Public Comment)

6. Discussion and Action Regarding Enforcement of the Requirement that the Public be Informed of Sunshine Ordinance Rights on Each Meeting Notice. (Resolution No. 95012) (Public Comment)

7. Discussion and Action on Standards of Conduct by Members of the Sunshine Ordinance Task Force on Issues Relating to Brown Act, Public Records Act and the Sunshine Ordinance. (Resolution No. 95011) (Public Comment)

8. Hearing and Action Regarding a Draft by the City Attorney of an Ordinance Requiring that the Assessment Appeals Board be subject to the Brown Act and the Sunshine Ordinance (Resolution No. 95015) (Public Comment)

9. Discussion of the Application of Meeting Notice Requirements (Public Comment)

10. Discussion and Action Regarding the Creation of a Monthly Report of All Complaints and a System for Tracking the Status of Complaints. (Resolution No. 95013) (Public Comment)

11. Discussion Regarding the Development of a Sunshine Bill of Responsibilities. (Public Comment)

12. Discussion and Action on the Dissemination of the Sunshine Ordinance Bill of Rights in Brochure or Other Format. (Public Comment)

13. Discussion of the Sunshine Ordinance Responsibilities of Agencies That Claim to Be Private but Are Using Public Land, Facilities, Staff, Etc. (Public Comment)

14. Report of the Clerk

    a. Communications (Public Comment)

    b. Complaint of Member Robert Planthold re San Francisco Health Authority dated November 3, 1995 (No. 95-12) (Public Comment)

    c. Complaint of Member Robert Planthold re San Francisco Airports Commission dated November 6, 1995 (No. 95-13) (Public Comment)

    d. Complaint of Member Robert Planthold re San Francisco Port Commission dated November 20, 1995 (No. 95-14) (Public Comment)

15. Public Comment on Items not Appearing on the Agenda but within the Subject Matter Jurisdiction of the Task Force (This Will Be the First New Item Considered after 5:00 P.M.)

16. Setting of the Agenda for the next Regular Meeting (Public Comment)

17. Adjournment

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT 554-6075.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14-Mission limited, and 42-Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, cal 415-923-6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 558-6164 at least 72 hours in advance of the meeting.

Sunshine Ordinance Task Force
Draft

DOCUMENTS DEPT.
MAR 2 2 2002
SAN FRANCISCO
PUBLIC LIBRARY

✦✦✦Minutes of Meeting✦✦✦
Special Meeting of Wednesday
December 13, 1995 at 4:00 p.m.

Item No. 1: Roll Call - Present: Brugmann, Chaffee, Hestor, Planthold, Pritzker, Ramirez, Whistler
Ex Officio: John Taylor, Jill Lerner
City Staff: Burk Delventhal, Deputy City Attorney

Excused: Bellingham, Berk, McQuarter, Perry

It was announced by the Chair that December 16, would represent the two year anniversary of the Sunshine Ordinance.

Item No. 2: Approval of the Minutes - Minutes for the 15 November meeting were approved unanimously without correction.

Item No. 3: The Chair met with Peter Nardoza of the Airport Commission staff prior to this meeting and Mr. Nardoza was expected at this meeting. It was moved by Mr. Whistler, seconded by Mr. Brugmann and approved unanimously, to postpone this item until Mr. Nardoza arrives.

Item No. 4: Hearing and Action Regarding a Complaint of Bill Hale re San Francisco Public Library ("SFPL") (No. 95-11). Mr. Price of SFPL came to represent the City Librarian.

The Chair summarized the complaint and testimony heard at the November meeting. Questions at issue were the eligibility for exclusion of any "draft" and/or the possible applicability of the principle of the "deliberative process privilege." He then referenced materials in this month's packet.

Deputy City Attorney Burk Delventhal, at the chair's request addressed the Task Force on some of the issues of law raised. Essentially, each department would have to raise any such exemption claims on a case-by-case basis.

Bill Hale then told the Task Force that no claim of an exemption based on a "deliberative process privilege" had been communicated to him. He noted that the original designation that the documents had been "distributed separately" was later claimed to mean "to be supplemented" and that this was misleading. He also noted that it did not make sense to him that on-going purchases were being made by the department but materials selection documents were not in existence. He stated that some of his document requests had not been responded to at all.

Mr. Price, Special Assistant to the City Librarian (meaning in his understanding, he is charge of the SFPL in the absence of the City Librarian)

addressed the Task Force about the complaint. He told us that the Materials Selection Plan (Part 11) is not yet complete and that even he hasn't yet seen a copy. Further, he had left a telephone message with the complainant but had not yet received any response in turn.

The Chair said that although Mr. Price may be new in the SFPL's employ (since the Summer of 1995), the SFPL staff had long earlier experience in dealing with requests for public information and access to public records. He further read excerpts from the City Librarian's letter of 13 September 1995, which read literally indicates that the document exists in draft form but is exemptible from disclosure by reason of being a draft. The Chair explained that in order for the "deliberative process privilege" to apply the documents in question must be both predecisional and deliberative to qualify and then the benefit to the public in non-disclosure must clearly outweigh the benefit to the public in disclosure under Gov.Code Section 6255. When the Chair asked Deputy City Attorney Burk Delventhal whether this discourse was substantially accurate, he opined that it was.

Ms. Hestor voiced concern about the City Librarian's letter of 13 September 1995, by reason of his assertion that "adoption" of a document was the trigger to the right of the public to know. She felt the weakness and inaccuracy in the City Librarian's wording was contrary to the expectations that by its very nature, a Library ought to be careful and precise in its communications. She further found the tone of the letter lacked appropriateness.

Mr. Planthold then referenced sections of the Sunshine Ordinance (Sections 67.9, 67.23, 67.24a) that were ignored and contravened by the text of the letter, even though the City Librarian's letter specifically cited the Sunshine Ordinance as one of several legal sources allowing for the claimed exemption from public scrutiny until adoption.

Ms. Pritzker echoed the concerns and felt the "deliberative process privilege" could not apply in these circumstances.

Mr. Whistler gave a history of how the citizenry had to use its three minutes "public comment" right to press for an increase in the book budget despite differing pressures from SFPL staff.

Mr. Brugmann had several questions of Deputy City Attorney Delventhal before Mr. Delventhal had to leave for a 5:30 appoint: 1) Didn't Burk think these documents needed to be disclosed? Mr. Delventhal said he would need to be familiar with the facts? 2) Should there be an amendment to the Sunshine Ordinance providing for including such materials as may be claimed to currently be covered by the "deliberative process privilege"? Mr. Delventhal responded that he felt his office should be given another chance to review the present circumstances and then either prepare a new and proper response to Mr. Hale or make a recommendation to us.

Public Comment on this issue: Timothy Gillespie voiced his views about the analyses/presentations by Deputy City Attorney Delventhal to the San Francisco Public Library Commission that seemingly provide a shield for that body to not have to disclose requested information. Mr. Gillespie took exception to two aspects of Mr. Price's remarks: 1) That the complaint Mr. Hale failed to be clear in what he wanted and that he also failed to be timely in responding to SFPL staff phone calls, was inappropriately placing blame on the citizen and counterproductive. 2) That if the Materials Selection Plan were the heart and soul of the SFPL, that would be all the more reason for the SFPL to be open about its contents. He also said that this was a consist scheme to deprive the public of access and this should be taken very seriously.

Mr. Hale clarified matters of timeliness on his part and said the whole complaint would end when he got Part 11.

Mr. Price said that when Part 11 is ready/complete Mr. Hale will get it. If he came "tomorrow," he'd get it.

Mr. Ramirez asked for clarification of what constitutes the Materials Selection Plan and about the undue time frame for fully responding.

Mr. Brugmann sought assurance that Mr. Hale would now get the documents he requested and Mr. Price assured him that the answer was yes. Mr. Brugmann then wondered whether we should request of the City Attorney's office some opinion discussing and/or clarifying what is and isn't eligible for "deliberative privilege" applicability and from that whether any legislation be drafted.

Mr. Planthold expressed concern that the "deliberative process privilege" was seized upon by the department in an opportunistic fashion and that it was open to abuse. He was worried that this not be used as a screen to provide "weasel room" for other departments. Mr. Planthold opined that this issue needed a fuller deliberation than could take place today.

Mr. Whistler asked of Mr. Price various specific questions about the existence and functions of a Materials Selection Committee which indicated that it was not a new process and it was Mr. Whistler's opinion that what was needed was a public process.

It was moved by Ms. Planthold, seconded by Mr. Whistler and approved unanimously, to continue this item to the call of the chair.

Item No. 15: Public Comment on Items not Appearing on the Agenda.

Mr. Robert Reese of the Assessment Appeals Board ("AAB") came to thank the Task Force for exposing the problem of AAB. He characterized it as a "stinkhole" that needed continuing public sunshine. He compared the San Francisco AAB with a Santa Clara County AAB he had earlier served on where one member slept through

meetings and another had substantial uncorrected hearing impairments and they got a lot more done than in San Francisco. He went on to describe the loss of tax dollars to the City and the harassment that he has received personally.

Mr. Bill Hale again offered his suggestion that the Task Force specifically number a complaint as it is logged in rather than await a number until calendared.

Ms. Lerner then tried to educate the Task Force and the public about her duty limitations and her actions.

It was moved by Ms. Planthold, seconded by Mr. Brugmann, to move to adjourn because the quorum was about to be lost. Ayes: Brugmann, Chaffee, Planthold, Pritzker, Ramirez. No: Whistler.

The Task Force adjourned at 6:05.

SF
S88
#1

DOCUMENTS DEPT.
JAN 13 1995
SAN FRANCISCO
PUBLIC LIBRARY

SF

1/17/96

Sunshine Ordinance Task Force

✦✦✦Notice of Regular Meeting and Agenda✦✦✦

Regular Meeting of Wednesday, January 17, 1995 at 4:00 p.m.
1660 Mission Street, Conference Room 2001

1. Roll Call

2. Consideration and Adoption of Minutes, Meeting of December 13, 1995 (Public Comment)

3. Hearing and Action Regarding a Complaint of Member Robert Planthold re Airport Commission Board (No. 95-9) (Public Comment)

4. Discussion and Action on the Appointment of a 1996 Annual Report Committee or Other Procedure to Develop an Annual Report of the Task Force by April, 1996. Appointment of Kathy Perry, Chair, Bob Planthold and Byron Mcquarter or Another Member of the Task Force to an Ad Hoc Annual Report Committee the Charge of Which Will Be: Review Suggestions to the Board of Supervisors and Suggested Amendments to the Sunshine Ordinance to Be Included in an Annual Report. Prepare a Rough Draft and Final Draft of the Annual Report of the Task Force Due at the End of the Task Force's Second Year in April, 1996. (Resolution No. 95018) (Public Comment)

5. Hearing and Action on the City Attorney's Draft of an Ordinance Requiring That Development of Databases by the City and County of San Francisco and the 911 System Provide for the Required Disclosure of Public Records Without Violating Required Confidentiality. (Resolution No. 95019) (Public Comment)

6. Hearing and Action on the City Attorney's Draft of an Ordinance Requiring That the Assessment Appeals Board be Subject to the Brown Act and the Sunshine Ordinance. (Resolution No. 95017) (Public Comment)

7. Discussion of the Sunshine Ordinance Responsibilities of Agencies That Claim to Be Private but Are Using Public Land, Facilities, Staff, Etc. (Public Comment)

8. Discussion and Action Regarding Enforcement of the Requirement that the Public be Informed of Sunshine Ordinance Rights on Each Meeting Notice. (Resolution No. 95013) (Public Comment)

9. Discussion and Action on Standards of Conduct by Members of the Sunshine Ordinance Task Force on Issues Relating to Brown Act, Public Records Act and the Sunshine Ordinance. (Resolution No. 95011) (Public Comment)

10. Discussion of the Application of Meeting Notice Requirements (Public Comment)

11. Discussion and Action Regarding a Course of Action for the Development of a Sunshine Bill of Responsibilities. (Resolution No. 95020) (Public Comment)

12. Discussion and Action on the Dissemination of the Sunshine Ordinance Bill of Rights in Brochure or Other Format. (Resolution No. 95021) (Public Comment)

13. Report of the Clerk

    a. Communications (Public Comment)

    b. Complaint of Member Robert Planthold re San Francisco Health Authority dated November 3, 1995 (No. 95-12) (Public Comment)

    c. Complaint of Member Robert Planthold re San Francisco Airports Commission dated November 6, 1995 (No. 95-13) (Public Comment)

    d. Complaint of Member Robert Planthold re San Francisco Port Commission dated November 20, 1995 (No. 95-14) (Public Comment)

    e. Complaint of Judith Appel re Recreation and Park Commission dated November 13, 1995 (No. 95-15) (Public Comment)

    f. Complaint of Judith Appel re Police Commission dated December 4, 1995 (No. 95-16) (Public Comment)

    g. Complaint of Bill Hale re San Francisco Public Library (Annual Report) (No. 95-17) (Public Comment)

    h. Complaint of Bill Hale re San Francisco Public Library (Personnel Policy Manual) (No. 95-18) (Public Comment)

    i. Complaint of Bill Hale re San Francisco Public Library (Study of Patron Usage) (No. 95-19) (Public Comment)

    j. Complaint of Bill Hale re San Francisco Public Library (Plan for Correcting Training Deficiencies) (No. 95-20) (Public Comment)

    k. Complaint of Bill Hale re San Francisco Public Library (Documents Regarding Training Status and Expenditures) (No. 95-21) (Public Comment)

    l. Complaint of Bill Hale re San Francisco Public Library (Organizational Manual) (No. 95-22) (Public Comment)

m. Complaint of Francisco Rivero re District Attorney's Office (No. 95-23) (Public Comment)

14. Public Comment on Items not Appearing on the Agenda but within the Subject Matter Jurisdiction of the Task Force (This Will Be the First New Item Considered after 5:00 P.M.)

15. Setting of the Agenda for the next Regular Meeting (Public Comment)

16. Adjournment

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT 554-6075.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14-Mission limited, and 42-Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, cal 415-923-6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 558-6164 at least 72 hours in advance of the meeting.

SF
S88
#2
1/19/96

DOCUMENTS DEPT.
FEB 16 1996
SAN FRANCISCO
PUBLIC LIBRARY

SF

Sunshine Ordinance Task Force
Minutes of Meeting
January 19, 1996

Item No. : Roll Call - Present: Chaffee, Pritzker, Planthold, Brugmann, Berk, McQuarters, Whistler, Hestor, Perry, Ramirez
Ex Officio: John Taylor, Jill Lerner, Ricardo Hernandez

Item 2: Minutes: Approved with ministerial corrections - unanimous.

Item 3: Airport Commission (Complaint 95-9): No Rep. from Airport present. The Chair reported that the CAO's office sent a letter to the War Memorial about the possibility of getting loud speakers available for broadcast into the hall. The Airport Commission purchased the original sound system used within the Commission meeting room (428) and now plans to get additional loudspeakers for the hall.

Ms. Hestor informed us the current sound system was not working well enough to pick up any sound (at least from the mike used by the public) during various January '96 meetings.

Mr. Taylor opined that, practically, the sound system was under the functional control of whoever provided it, namely the Airport Commission. Further, he believed it likely the Airport would quickly respond to any pressure from the CAO and or the Mayor. He suggested that the SOTF consider sending a letter to the various commission secretaries, the CAO, and the Mayor about the problems with Room 428's audio amplification system.

Moved/Seconded/Carried: Unanimous.
(Ms. Perry arrived.)

Public Comment: Mr. Partansky suggested we include the possible adverse consequences for failure to tape and broadcast. Ms. Pritzker asked that we ask for a report back by next meeting.

Move to amend previous motion: Pritzker/Brugmann - to incorporate the above comments in the proposed letter - unanimous on the main motion as amended - unanimous.

Item 4: Annual Report Committee: The Chair suggested and commented on this item. A special ad hoc Annual Report Committee (for this year) will consist of: Perry, Planthold and McQuarters.

Amend the main motion: Brugmann/ Whistler: Add Ms. Pritzker to this group - unanimous.

On the committee memberships as expanded - unanimous

Item 5: Mr. Greenberg, Deputy City Attorney (D.C.A.), discussed the draft modeled along the lines of pending SB 323. This adds several new paragraphs (tentatively labeled "c" to "f" inclusive) to Admin Code Sect 67.21.

Ms. Pritzker asked for the meaning and basis of subsect "f". Mr. Greenberg responded this was to prevent "advance" info, requests and to also prevent a department from having to resort existing files.

Ms. Hestor questioned "d"'s wording as having two significant areas of "wiggle room" (ll. 20-21 and l.23).

Ms. Perry questioned the wording in the existing "b" of 67.21.

Mr. Chaffee indicated this amendment was, in part, precipitated by the Mark Woo complaint against the SFPD and our request to have department's' information readily available without additional labor.

Mr. Hernandez questioned the wording of the last line of proposed "e-#3", DCA Greenberg responded this wording was meant to make it consistent with the proposed state law.

Mr. Ramirez questioned other phrasings within proposed "d" - "disclosable" as opposed to "public"; and within proposed "e" - as to whether to "encourage" rather than "require" or even "achieve".

Public Comment: Roberta Caravelli, Pres. of Citizen Review, indicated she had long outstanding (nearly 2 years) requests for public documents from specific job holders within DCP and also within D.P.W. She told us how one long delayed information request was answered in a format she could not use and with an ultimate document reproduction cost of an amount that was unaffordable and unknown earlier to her.

Timothy Gillespie opined that the draft language would be destructive. He cited as examples:

-p.1 "b" l.20 vs. p.2 "c" l.13 vs. p.3 "e" #2
Each conflicting with the other.
-p.2 "e" ll.2 & 3 - Purpose not to lower costs but greater access
-p.3 "f" l.15

Re Mr. Gillespie's commens, Ms. Hestor opined that affordability is of significant importance to the public.

Ms. Harris stated that DCA Greenberg's opinion that the law's proposed intent would "hopefully" come into force is not confidence inspiring.

Ms. Perry felt the existing language also needs to be scrutinized for revision.

Moved/Seconded: Hestor/Berk - Refer the proposed additions to Section 67.21 back to City Attorney with instructions from SOTF to be compiled by Ms. Hestor and answer the following questions:

Q. 1 (Get language from Ms. Hestor; pace and volume of speech not make it understandable)
Q. 2 p.2 - l.20 - "shall"
Q. 3 p.3 "e" - Introductory language
Q. 4 p.3 "e" - #2

Pass - Moved/Seconded: Move to amend (Brugmann/Planthold: Eliminate "f" - unanimous
Pass - on the main motion: Aye; Pritzker, Planthold, Brugmann, Berk, McQuarters Whistler, Hestor, Perry, Ramirez. No; Chaffee

Ms. Perry then proposed an amendment ruled out of order because it did not come within the scope of the approved agenda item in its dealing with matter other than the draft of the proposed amendments.

Mr. Taylor pointed out the possibility of considering for amendment of the following:

- delete Paragraph "c"
- re: "d" l.22, change "disclosable" to "public"
- "e" #1

Moved/Seconded/Carried: Planthold/Brugmann - unanimous

Public Comments: Ms. Harris asked whether there was a master list of exempt

categories of information.

Mr. Whistler made another amendment similarly ruled out of order. (Mr. Ramirez and Ms. Perry left.)

4) **General Public Comment**: Roberta Caravelli commented on this meeting's early discussion about how a Resolution number doesn't necessarily refer back to the initial file number. She felt keeping them indexed/referenced by subject more important than any specific alpha numeric system.

Bill Hale talked about the benefits of educating new commissioners coming in with the new Mayor.

Mr. Partansky distributed copies of information/reports both about the need for government to be accessible and about other existing government bodies that similarly concern themselves with access to government information.

Timothy Gillespie stated that complaint from Bill Hale about the Library Commission indicated to him that the attendance and comment (at the previous SOTF meeting) of a relatively new library staffer may not be truly indicative of any change in library practices.

Ms. Hestor asked that the SOTF agenda for the next meeting include the referral of Mr. Hale's complaints against the Library Commission to the Ethics Commission because that body does have some enforcement power. [End of Public Comment]

Moved/Seconded/Carried: McQuarters/Pritzker: Take item 13-m next - unanimous

13-m: Complaint of Francisco Rivero (No. 95-23)

Mr. Rivero, represented by counsel, reported that he had information that the SF Coroner acted fraudulently in the scope of his authority. Counsel stated that Rivero passed the information on to the District Attorney's Office and an investigation was initiated. The matter was dropped. When Mr. Rivero requested a copy of the investigation file, the D.A.'s Office under Arlo Smith denied the request, claiming that privacy was involved and that future witnesses might be deterred if they thought their names could be revealed.

Moved/Seconded: Hestor/Brugmann: Send letter to District Attorney saying that unless the documents requested are released in full by January 29, 1996, the SOTF will invite the District Attorney to the February meeting and make it the first item after the minutes.

Move to amend: Hestor/Planthold - Add the provision that if the matter is not

resolved by the end of the February meeting, then the SOTF would refer the matter to the SF Ethics Commission.

The Chair said we had to be careful not to make it seem as if we have prejudged the issue. Mr. Brugmann said he felt the SOTF had enough strength on its own so as to not have to so quickly resort to referring an issue.

Fail - On the Amendment: Aye: Hestor No: Chaffee, Pritzker, Planthold, Brugmann, Berk, McQuarters, Whistler.

Public Comment on the Main Motion: None

Pass On the Main Motion: Aye: Pritzker, Planthold, Brugmann, Berk, McQuarters, Hestor. No: Chaffee, Whistler

Item 6: Re: Assessment Appeals Bd: Ms. Hestor orally informated the SOTF that DCA Delventhal had twice tried to get the draft legislation approved by the City Attorney. As of 2 pm the day of this meeting, the City Attorney had signed off on the proposed legislation. She continued that this means the draft will be forwarded to us in time to put on the agenda for the February meeting.

Item 7: Mr. Brugmann referenced the letter from Terry Francke and opined about the fine quality of the text in so succinct a manner.

Public Comment: Ms. Harris wanted us to pursue this matter vigorously. She referenced instances of a Bernal Heights neighborhood group getting both public funds and also services from city staff while heeping the public from attending any of their Board meetings.

Mr. Partansky referenced the text of a section of one of his handouts from earlier this meeting.

Bill Hale suggested "valuable consideration" be used.

Moved/Seconded: Brugmann/Planthold: Adopt Terry Francke's wording and use the phrase "valuable consideration" and send it to the City Attorney's office for drafting.

Public Comment: Ms. Harris wanted "may" to be "shall".

On the motion: Unanimous

NB: Secretary Planthold had to leave at this point.

Item 8: Enforcement of notice of Sunshine Ord Rts on meetings notice
The Board of Supervisors is missing list of boards, commissions in compliance. The list of "policy bodies" to which December 11, 1995 letter sent is overly broad, e.g. GGBHTTD. (Golden Gate Transit)

No action

Item 9: Continue to next agenda with full text. Sue Hestor to supply text with amendments
- to be put early on calendars

Item 10: Bill of Responsibilities
Perry draft in packet was supplemented by a two-page summary/response by Chaffee

No action

Item 11: Meeting notice requirements

Berk questioned timing of availability of agenda packet. Needs to be available prior to meeting to be helpful. Clerk is willing to send out packet.

Item 12: Brochure on Sunshine Bill of Rights

Discussion on whether this is same as what as previously adopted. This is just a formatting and editing issue. Hestor raised question on why draft brochure did not say "draft" with author and date identified.

No action.

Item 13: - Report of Clerk

(e) Appel complaint regarding meetings of Rec. and Park Commission are held in a small room without adequate sound system. Rec. and Park is working on sound system for overflow.

(f) Appel complaint re Police Commission. Attended Police Commission meeting where Aaron Williams and another controversial items due to be discussed. There was a large crowd and no sound system for overflow. SFPD response was that it did not anticipate a large crowd on the matter and was working on installing a public address system for overflow.

Bill Hale (13-g thru 13-1)
- "g "and "j" have been basically resolved
- others are active complaints
- has complaint on file with Ethic Commission because all libraries required to inform librarian of each complaint, date, time and substance.

Next agenda items
(from above - DA information request, SOTF Standards of Conduct)
Moved/Seconded: Brugmann, Pritzker Disposition of files of departing Mayor; Jordan took everything; Scoring sheets on bids are released without names of scorers by PUC.
Moved/Seconded: Whistler/Berk passed unanimous - requiring advance estimate of costs.
Unanimous for records requested

Lerner - passed out sheet - with the four duties assigned to the Task Force by Ordinance

Moved by Hestor; Seconded by BBB - motion to be put on agenda as matter for discussion.

Aye: Hestor, Pritzker, BBB, Berk No: Chaffee, Whistler - passed 4-2

The meeting was adjourned at 7:30.

SF
588
#1
2/21/96

City and County of San Francisco

DOCUMENTS DEPT.
FEB 16 1996
SAN FRANCISCO
PUBLIC LIBRARY

Sunshine Ordinance Task Force

✦✦✦Notice of Regular Meeting and Agenda✦✦✦

Regular Meeting of Wednesday, February 21, 1996 at 4:00 p.m.
1660 Mission Street, Conference Room 2001

1. Roll Call

2. Consideration and Adoption of Minutes, Meeting of January 17, 1996 (Public Comment)

3. Hearing and Action Regarding a Complaint of Francisco Rivero Regarding Access to Records in the Possession of the San Francisco District Attorney (No. 95-23) (Public Comment)

4. Discussion and Action to Consider Possible Alternatives for Legal Advice When the Office of the City Attorney Appears, as in the Rivero Case, to Be Representing a City Department and May Have a Conflict of Interest, Including Discussion of the City Attorney's Memorandum of June 13, 1994. (Resolution No. 95022) (Public Comment)

5. Hearing and Action on the City Attorney's Draft of an Ordinance Requiring That Development of Databases by the City and County of San Francisco and the 911 System Provide for the Required Disclosure of Public Records Without Violating Required Confidentiality. (Resolution No. 95019) (Public Comment)

6. Hearing and Action on the City Attorney's Draft of an Ordinance Requiring That the Assessment Appeals Board be Subject to the Brown Act and the Sunshine Ordinance. (Resolution No. 95017) (Public Comment)

7. Discussion and Action on Sending a Letter to the Board of Supervisors Concerning a Resolution Currently Being Considered That Would Make Meetings of a Trust Board Funded by MUNI Transit Open and Public. (Resolution No. 95023) (Public Comment)

8. Discussion and Action on Standards of Conduct by Members of the Sunshine Ordinance Task Force on Issues Relating to Brown Act, Public Records Act and the Sunshine Ordinance. (Resolution No. 95011) (Public Comment)

9. Preliminary Report from the Annual Report Committee. Discussion and Action on issues to be referred to the Annual Report Committee. (Public Comment)

10. Discussion of the Application of Meeting Notice Requirements (Public Comment)

m. Complaint of Bill Hale re San Francisco Public Library (Refusal to Acknowledge Electronic Mail) (No. 95-26) (Public Comment)

n. Complaint of Bill Hale re San Francisco Public Library (Amendment to Library Funding Agreement) (No. 95-27) (Public Comment)

o. Complaint of Bill Hale re San Francisco Public Library (Public Records Procedures) (No. 95-28) (Public Comment)

15. Public Comment on Items not Appearing on the Agenda but within the Subject Matter Jurisdiction of the Task Force (This Will Be the First New Item Considered after 5:00 P.M.)

16. Discussion and Action on the Issue of an Mayor or Other Public Official Leaving Office with Documents That May Belong to the City. (Resolution No. 95025) (Public Comment)

17. Discussion and Action on the Issue of the Practice of the Public Utilities Commission of Refusing to Disclose the Score of the Bidder on a Contract Tied to the Identification of the Bidder. (Resolution No. 95026) (Public Comment)

18. Discussion and Action on Proposing an Amendment to the Sunshine Ordinance Section 67.21 Requiring Prior Notification of Estimated Copying Charges to the Public. (Resolution No. 95027) (Public Comment)

19. Discussion of the Duties of the Sunshine Ordinance Task Force (Public Comment)

20. Setting of the Agenda for the next Regular Meeting (Public Comment)

21. Adjournment

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT 554-6075.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14-Mission limited, and 42-Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415-923-6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 558-6164 at least 72 hours in advance of the meeting.

Sunshine Ordinance Task Force
Draft
Minutes of Meeting
February 21, 1996

BERK

Item 1: Roll Call - Present: Chaffee, Pritzker, Planthold, Whistler, Brugmann, ~~Birk~~, Perry, Ramirez, Hestor (4:50)
Excused Absent: McQuarters
Ex-Officio: Taylor, Lerner, Hernandez

Item 2: Minutes: Approved with correction of appropriate agenda item numbering

Moved/Seconded/Carried: Brugmann/Planthold - Take Item # 4 before #3 - unanimous

Item 4: On the main motion, as amended, to solicit monthly free review by pro bono legal counsel outside the City Attorney's Office.
yes - Chaffee, Perry, Ramirez, Whistler
no - Brugmann, Pritzker, Birk, Hestor, Planthold
The main motion, as amended , fails.

Item 3: Chair presented a format and time from on how to conduct hearings, i.e, six minutes for each side to present, then time for questions, public comment, and the four minutes for each side to make further/closing/rebuttal points.

After following the above format. Moved/Seconded: Brugmann/Perry Continue the item to the next meeting and send a copy of the Deputy City Attorney's letter both to Terry Francke and the law firm drafting the Contra Costa County ordinance for comment by the next meeting. Unanimous. Motion carried.

General Public Comment: Wayne Sherman told of being denied the ability/right to comment to the Budget Committee about an item not on their agenda. Clerk of the Board, John Taylor, said Committees can't deal with anything not referred to it, so such public comment would have to come at that agenda item on the calendar of the full meeting of the Board of Supervisors.

Bill Hale complained about the Clerk of the SOTF as being not co-operative, or not responsive, or even inhibitory to the initial filing of complaints. Ms Hestor said one of the actions the SOTF requested of the Clerk was to try to mediate or seek information before even filing a complaints. The Chair tried to clarify this by opining that the Clerk was supposed to even write down a complaint made orally and then mediate.

Moved/Seconded/Carried: Hestor/Ramirez: Take Item 14 - 1 next
Aye: Everyone present No: Planthold

[N.B: March Norton had filed a complaint February 15, so it was unavailable to be mailed out.]

The Mayor's Fiscal Advisory Committee is a possive committee, according to the City Attorney's opinion.

Moved/Seconded/Carried: Hestor/Planthold; Send a letter to the Mayor with [attributed] carbon copies to Sam Yockey, Donna Ficerotta, Kevin Shelley and Tom Hsieh requesting the all attend the next (March) meeting and also calendar this as the first substantive item, and also that Deputy City Attorney Buck Delventhal be invited to attend in person or give the SOTF a copy of any draft(s) work by DCA staff on the MFAC business. - unanimous

Moved/Seconded/Carried: Pritzker/Brugmann - Go to Item 6 - unanimous.

Deputy City Attorney Greenberg, along with Marilyn Cosentino (Administrator of the Assessment Appeals Board) discussed a draft ordinance prepared by DCAS Schaefer.

Moved/Seconded/Carried: Hestor, Planthold: Adopt the language drafted
Amend 1: Hestor/Brugmann; amend 3rd line from bottom: "specific topic to be considered" unanimous.
Amend 2: Hestor/Birk; strike "application value" and add the "the amount of reduction from the current assessment" unanimous.
Amend 3: Hestor/Planthold: After ".. parties pressed their case," add "there shall be another opportunity for the public comment."
On the 3rd amendment - Aye: All present No: Chaffee, Ramirez

On the main motion as amended: Unanimous

Moved/Seconded/Carried: Hestor/Planthold: Transit to the Board of Supervisors right away - unanimous

Meeting adjourned at 7:48 pm

3F
388
#1
1/20/96

City and County of San Francisco

DOCUMENTS DEPT.
MAR 15 1996
SAN FRANCISCO
PUBLIC LIBRARY

Sunshine Ordinance Task Force

✦✦✦Notice of Regular Meeting and Agenda✦✦✦

Regular Meeting of Wednesday, March 20, 1996 at 4:00 p.m.
1660 Mission Street, Conference Room 2001

1. Roll Call

2. Consideration and Adoption of Minutes, Meeting of February 21, 1996 (Public Comment)

3. Hearing and Action Regarding a Complaint of Marc Norton Regarding the Continued Applicability of the Sunshine Ordinance to the Mayor's Fiscal Advisory Committee (No. 95-25) (Public Comment)

4. Discussion and Action Regarding a Complaint of Francisco Rivero Regarding Access to Records in the Possession of the San Francisco District Attorney, Including Consideration of Communication from Outside Attorneys (No. 95-23) (Public Comment)

5. Discussion and Action to Send a Letter to the Chief Administrative Officer Censuring Him for the Conduct of His Office in the Handling of a Record Request from Bill Hale and Requesting That He Define the Limits of His Support for the Task Force (Resolution No. 95028) (Public Comment)

6. Discussion of Possible Procedures to Solve the Problem of the Increasing Backlog of the Work of the Task Force (Public Comment)

7. Hearing and Action on the City Attorney's Draft of an Ordinance Requiring That Development of Databases by the City and County of San Francisco and the 911 System Provide for the Required Disclosure of Public Records Without Violating Required Confidentiality. (Resolution No. 95019) (Public Comment)

8. Discussion and Action on Sending a Letter to the Board of Supervisors Concerning a Resolution Currently Being Considered That Would Make Meetings of a Trust Board Funded by MUNI Transit Open and Public. (Resolution No. 95023) (Public Comment)

9. Preliminary Report from the Annual Report Committee. Discussion and Review of a Draft from the Annual Report Committee. Public Comment on the Performance of the Task Force to be Incorporated into the Annual Report. (Public Comment)

10. Discussion and Action on Referring the Bill Hale Complaints to the Ethics Commission with a Recommendation from the Task Force. (Resolution No. 95024) (Public Comment)

11. Report of the Clerk

a. Communications (Public Comment)

b. Examination of the Complaint Log

c. Complaint of Member Robert Planthold re San Francisco Health Authority dated November 3, 1995 (No. 95-12) (Public Comment)

d. Complaint of Member Robert Planthold re San Francisco Airports Commission dated November 6, 1995 (No. 95-13) (Public Comment)

e. Complaint of Member Robert Planthold re San Francisco Port Commission dated November 20, 1995 (No. 95-14) (Public Comment)

f. Complaint of Judith Appel re Police Commission dated December 4, 1995 (No. 95-16) (Public Comment)

g. Complaint of Bill Hale re San Francisco Public Library (Personnel Policy Manual) (No. 95-18) (Public Comment)

h. Complaint of Bill Hale re San Francisco Public Library (Study of Patron Usage) (No. 95-19) (Public Comment)

i. Complaint of Bill Hale re San Francisco Public Library (Documents Regarding Training Status and Expenditures) (No. 95-21) (Public Comment)

j. Complaint of Bill Hale re San Francisco Public Library (Organizational Manual) (No. 95-22) (Public Comment)

k. Complaint of Bill Hale re San Francisco Public Library (Gay & Lesbian Historical Society Memorandum of Understanding) (No. 95-24) (Public Comment)

l. Complaint of Bill Hale re San Francisco Public Library (Refusal to Acknowledge Electronic Mail) (No. 95-26) (Public Comment)

m. Complaint of Bill Hale re San Francisco Public Library (Amendment to Library Funding Agreement) (No. 95-27) (Public Comment)

n. Complaint of Bill Hale re San Francisco Public Library (Public Records Procedures) (No. 95-28) (Public Comment)

o. Complaint of Anonymous re Mayor's Office of Housing (Access to Public Records for Indigents) (No. 95-29) (Public Comment)

p. Complaint of Bill Hale re Real Estate Department (Public Records Procedures) (No. 95-30) (Public Comment)

q. Complaint of Bill Hale re San Francisco Public Library (Access to drafts of Memoranda of Understanding) (No. 95-31) (Public Comment)

r. Complaint of Bill Hale re San Francisco Public Library (Access to Cafe Recommendation and Exhibit to MOU) (No. 95-32) (Public Comment)

s. Complaint of Bill Hale re San Francisco Public Library (Access to Communication to Committee) (No. 95-33) (Public Comment)

12. Public Comment on Items not Appearing on the Agenda but within the Subject Matter Jurisdiction of the Task Force (This Will Be the First New Item Considered after 5:00 P.M.)

13. Discussion and Action on the Dissemination of the Sunshine Ordinance Bill of Rights in Brochure or Other Format. (Resolution No. 95021) (Public Comment)

14. Discussion and Action on Standards of Conduct by Members of the Sunshine Ordinance Task Force on Issues Relating to Brown Act, Public Records Act and the Sunshine Ordinance. (Resolution No. 95011) (Public Comment)

15. Discussion of the Application of Meeting Notice Requirements (Public Comment)

16. Discussion and Action on Proposing an Amendment to the Sunshine Ordinance Section 67.21 Requiring Prior Notification of Estimated Copying Charges to the Public. (Resolution No. 95027) (Public Comment)

17. Discussion of the Duties of the Sunshine Ordinance Task Force (Public Comment)

18. Setting of the Agenda for the next Regular Meeting (Public Comment)

19. Adjournment

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT 554-6075.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14-Mission limited, and 42-Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415-923-6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 558-6164 at least 72 hours in advance of the meeting.

SUNSHINE ORDINANCE TASK FORCE

March 20, 1996

The Minutes of this meeting are missing.

San Francisco Public Library
Government Information Center

City and County of San Francisco

DOCUMENTS DEPT
APR 24 1996
SAN FRANCISCO
PUBLIC LIBRARY

SF
S88
#1
4/17/96
Canceled
&
4/24/96

Sunshine Ordinance Task Force

The Regular Meeting of April 17, 1996, at 4:00 p.m. is canceled

✦✦✦Notice of Special Meeting and Agenda✦✦✦

Special Meeting of Wednesday, April 24, 1996 at 4:00 p.m.
1660 Mission Street, Conference Room 2001

1. Roll Call

2. Consideration and Adoption of Minutes, Meeting of March 20, 1995 (Public Comment)

3. Public Hearing on Any Practical or Policy Problems Encountered in the Administration of this Chapter. Review by the Chair of the First Two Years of the Sunshine Ordinance Task Force. (Public Comment)

4. Report from the Annual Report Committee. Discussion and Review of the Annual Report. Action to Approve the Annual Report for Submission to the Board of Supervisors. (Resolution No. 95029) (Public Comment)

5. Hearing and Action on the City Attorney's Draft of an Ordinance Amending the Sunshine Ordinance (Administrative Code, Chapter 67) That Would Require Non-profit Organizations That Receive Public Funding to Provide Limited Public Access to Records and Meetings. (Resolution No. 95030) (Public Comment)

6. Discussion and Action Regarding a Complaint of Francisco Rivero Regarding Access to Records in the Possession of the San Francisco District Attorney, Including Consideration of Communication from Outside Attorneys (No. 95-23) (Public Comment)

7. Discussion and Action on Referring the Bill Hale Complaints to the Ethics Commission with a Recommendation from the Task Force. (Resolution No. 95024) (Public Comment)

8. Report of the Clerk

   a. Communications, Examination of the Complaint Log (Public Comment)

   b. Complaint of Member Robert Planthold re San Francisco Health Authority dated November 3, 1995 (No. 95-12) (Public Comment)

   c. Complaint of Member Robert Planthold re San Francisco Airports Commission dated November 6, 1995 (No. 95-13) (Public Comment)

   d. Complaint of Member Robert Planthold re San Francisco Port Commission dated November 20, 1995 (No. 95-14) (Public Comment)

e. Complaint of Bill Hale re San Francisco Public Library (Public Records Procedures) (No. 95-28) (Public Comment)

f. Complaint of Bill Hale re San Francisco Public Library (Access to Communication to Committee) (No. 95-33) (Public Comment) (N.B.: Mr. Hale has 10 other complaints which are pending, but were not included on this agenda.)

g. Complaint of Chris Witteman re City Attorney's Office and Chief Administrative Officer (Access to Documents) (No. 95-34) (Public Comment)

h. Complaint of Michael Petrelis re San Francisco Aids Office (Failure to Hold Meetings) (No. 95-35) (Public Comment)

9. Public Comment on Items not Appearing on the Agenda but within the Subject Matter Jurisdiction of the Task Force (This Will Be the First New Item Considered after 5:00 P.M.)

10. Discussion and Action on the Issue of a Mayor or Other Public Official Leaving Office with Documents That Belong to the City. (Resolution No. 95025) (Public Comment)

11. Discussion and Action on the Issue of the Practice of the Public Utilities Commission of Refusing to Disclose the Score of the Bidder on a Contract Tied to the Identification of the Bidder. (Resolution No. 95026) (Public Comment)

12. Discussion and Action on Proposing an Amendment to the Sunshine Ordinance Section 67.21 Requiring Prior Notification of Estimated Copying Charges to the Public. (Resolution No. 95027) (Public Comment)

13. Setting of the Agenda for the next Regular Meeting (Public Comment)

14. Adjournment

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT 554-6075.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14-Mission limited, and 42-Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415-923-6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 558-6164 at least 72 hours in advance of the meeting.

DOCUMENTS DEPT.

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

SUNSHINE ORDINANCE TASK FORCE
DRAFT MINUTES OF MEETING
Special Meeting of Wednesday, April 24, 1996

The special meeting of the Sunshine Ordinance Task Force convened some time after 4:00 pm. There was no regular meeting on April 17, 1996 because the meeting was cancelled by the Chair.

Item 1. Roll Call

Present: Berk, Brugmann, Chaffee, Hestor, McQuarters, Planthold, Ramirez. Perry arrived at 4:30.
Ex Officio: Lerner, Taylor
Absent: Bellingham, Pritzker, Whistler
Hernandez (ex officio)

Item 2. Minutes

Chair James Chaffee presented the minutes of the March 20, 1996 Task Force for adoption. Vote on adoption of the minutes - Unanimous, except for Secretary Robert Planthold. Upon inquiry on why the Secretary, who had prepared the minutes, voted against adopting them, Planthold informed the Task Force that he had not prepared the minutes. He further informed the Task Force that in the middle of the March meeting he had passed a note to Chaffee resigning as Secretary and that he had given his notes for the minutes up to the time he left the meeting to Chaffee. He stated that he did not believe the draft minutes reflected his notes. Upon motion by Hestor, which was seconded, the Task Force voted to rescind its vote approving the minutes.

Chaffee informed the Task Force that he had prepared the minutes based on review of the tape of the meeting and Planthold's notes.

Perry asked to be excused from the meeting, then left.

Hestor raised a point of order -- who is taking the minutes of this meeting, why was the Task Force not informed about the vacant position of Secretary, and why is the matter of replacing the Secretary not on the agenda. Hestor volunteered to act as Secretary for the remainder of the April meeting. Chaffee responded that since the April meeting was the last meeting of this Task Force he did not feel it necessary to inform the Task Force of the vacancy or replace the secretary.

Item 3. Hearing on any practical or policy problems encountered in the Administration of the Sunshine Ordinance. Review by the Chair of the first two years of the Task Force

Bill Hale commented that a lot of complaints can be resolved, complimented Chaffee for his agenda packets, and complained that there were insufficient copies of the agenda items for the public. He further complained that Task Force members do not have

ITEM 4

complaints from members of the public before them when they are discussed. He urged thatDepartments should notify members of the public when a document is available, i.e. 10 days before a hearing, rather than just putting an item on the agenda.

Taylor prepared a change in the format of agenda of Task Force meetings. It is to be placed on next Task Force agenda as an amendment to the Rules. He again distributed copies if the 4 Duties Assigned by Ordinance to the Task Force.

Chaffee called for additional public comment, then called on Bill Hale. Planthold objected on grounds that he had been previously recognized.

Hestor MOVED that comments by Task Force members be heard first on agenda items, then comments by members of the public. Chaffee ruled Hestor motion out of order. Hestor appealed decision of the Chair. Vote to uphold decision of Chair - Chaffee. Vote to overrule decision of Chair - Berk, Brugmann, Hestor, McQuarters, Planthold, Ramirez. Hestor motion seconded. Vote on Hestor motion: Yes - Berk, Brugmann, Hestor, McQuarters, Planthold, Ramirez. No - Chaffee.

Planthold questioned why this "public hearing" item had no staff report or alternatives and inquired whether the there any notice to Departments of this hearing. He noted that the "annual report" was off-cycle from last year's report.

Planthold left at 5:05.

Hestor raised questions about the internal operation of the Task Force: how are complaints filed, resolved, circulated to members, the role of the CAO's office/clerk, and the uneven work load of members of the Task Force.

Ramirez questions how the Task Force should deal with attorneys filing complaints on behalf of clients and inquired whether they should be handled separately from other complaints. He raised the question about whether individual Task Force members should conduct "hearings."

Brugmann commented that the hearing process is our only power.

Ramirez commented that the Task Force can't hear every complaint by every individual.

Item 9. Public Comment

Bill Hale complained that the Board of Supervisors agendas merge notice on the Sunshine Ordinance and accessible meetings and asked that they be visually separated.

Joe Partensky provided information on an upcoming conference.

Item 5. Ordinance amending the Sunshine Ordinance to require non-profit organizations that receive public funding to provide limited public access to records and meetings

Chaffee presented his proposed amendment to the Sunshine Ordinance. Non-profit bodies which receive public funds would be governed by the "passive meetings" provisions of the Sunshine Ordinance. All documents regarding the contract with the City, including performance under the contract, would be public records under the Sunshine Ordinance. The legislation was just completed yesterday. Brugmann inquired whether the ordinance would cover the Library Foundation and the Mayor's Fiscal Advisory Committee. The response was that bodies which receive public funds would be covered. (Perry returned at 5:30.)

Questions were raised that the draft ordinance presented was labelled "private and confidential." The response by the City Attorney was that the City Attorney's office has this "template" on its memo form, and the memo was not originally a public memo because it was being drafted in response to Chaffee's request.

Taylor commented that if anyone else put such a document out for hearing with copies available for the first time at the hearing, this Task Force would protest.

Brugmann MOVED that this matter be continued one month. Seconded by Berk. Adopted unanimously.

Item 8. Report of the Clerk

Chaffee MOVED that this item be moved up on the calendar and heard out of order. He then called Item e., Complaint of Bill Hale re San Francisco Public Library (Public Records Procedures, No. 95-28).

Ms. Reilly of the library staff stated that library staff is not allowed to talk directly to Library Commissioners, including on the Library's e-mail system, even on their own private time. She stated that the library drafted an exhibition policy, which was then dropped. (At 5:50 Ramirez left.)

Perry commented that we have not been doing enough education of City Commissioners regarding their responsibility under the

Sunshine Ordinance.

The librarian's union has been asked by the librarian to not use e-mail to communicate with the library, despite a broad policy encouraging use of e-mail.

Taylor commented that as of July 1 the new Charter makes a Department head responsible for running the department, not its Commission.

Item g., Complaint of Chris Witteman re City Attorney's Office and Chief Administrative Officer (Access to Documents), No. 95-34.

Witteman has been trying to get access to documents regarding public access TV. There have been secret negotiations between the City and Viacom/TCI. He has requested correspondence between the City, TCI and Viacom regarding the transfer of ownership, and has also asked the City Attorney whether this is a "transfer." The dispute is regarding interpretation of §62.55 of the Sunshine Ordinance. Deputy City Attorney Friedlander has deemed it "not in the public interest" to release the documents.

Brugmann MOVED that the Task Force ask the CAO and City Attorney to disclose the documents and that the City Attorney attend the next Task Force meeting to explain her position. At this point there was a brief recess of the meeting.

There was no second to the preceding motion. Brugmann then MOVED that a letter be sent to the Chief Administrative Officer and to the City Attorney asking them to release the documents set out in the letter of January 30, 1996. Further, that Julia Friedlander and the Chief Administrative Officer be requested to attend the next Task Force meeting to explain their position regarding the requested documents at a public meeting of the Task Force. Further that a letter be sent to the Board of Supervisors noting that the Task Force is concerned about the secrecy in negotiations between the City and Viacom, and asking that any hearing on the Viacom/TCI transfer be continued until after the Task Force meeting.

Deputy City Attorney Greenberg stated that he had reviewed the letter from Julia Friedlander and was aware of the nature of some of the documents requested. The February 8 letter of the City Attorney's office remains the position of that office. He further stated that Witteman had already received a substantial number of documents.

Perry stated that she wanted to see the documents that have been already provided.

Witteman stated that the dispute is solely about negotiating

positions and information related to those positions, e.g. how many City buildings are wired for cable.

Item 4. Annual Report

Perry presented this item. She indicated that there is a problem in that former Task Force clerk, David Prowler was doing the log of complaints and their disposition. After he left both Chaffee and Lerner handled complaints and there is no consistency in the records. There is confusion in the log.

Brugmann MOVED to continue this item to the next meeting. Second.

Chaffee objected to the continuance on the grounds that this is the second draft of the report.

Hestor MOVED to amend the motion to inform Task Force members that amendments or additions to the annual report should be submitted to the clerk by May 6 so that they can be in next month's agenda packet. Perry seconded.

Vote on amendment: Yes - Berk, Brugmann, Hestor, McQuarters, Perry. No - Chaffee.

Vote on main motion: Yes - Berk, Brugmann, Hestor, McQuarters. No - Chaffee, Perry.

Lerner commented about the limited role of the Clerk and the Chief Administrator's Office. They will only perform ministerial duties. They will continue to be the public contact point for the Task Force, e.g. distribute Sunshine Ordinance, send out mail to Task Force. Not much more than that can be done. Will not type minutes. Will not maintain complaint or resolution log.

Item 2. Minutes of March 20, 1996 meeting (continued discussion)

Hestor MOVED to amend page 5, paragraph 1 of the draft minutes to read: "Mr. Gillespie questioned the exception for 'reprogramming' if a department applies the term 'reprogramming' to what amounts to a data search." Second sentence remains as is, but add " " around "reprogramming."

Motion passed unanimously.

Brugmann MOVED to adopt minutes. Passed unanimously.

Item 7. Referring the Bill Hale complaints to the Ethics Commission with a recommendation from the Task Force.

McQuarters MOVED to postpone indefinitely. Hestor seconded.

Vote: Yes - Berk, Hestor, McQuarters. No - Brugmann, Chaffee, Perry. Motion fails.

Brugmann MOVED to continue to the call of the chair. McQuarters seconded. Passed unanimously.

Item 10. Issue of Mayor or other public official leaving office with documents that belong to the City.

Brugmann MOVED that the Task Force ask the City Attorney what rights an office holder has to documents in that office. Perry seconded. Passed unanimously.

Item 11. Issue of practice of the Public Utilities Commission refusing to disclose the score of the bidder on a contract tied to the identification of the bidder.

It is currently impossible to determine who did each scoring sheet. This affects ability to analyze for bias.

Brugmann MOVED to continue for one meeting. Perry seconded. Unanimous vote.

Item 12. Proposed amendment to Sunshine Ordinance §67.21 requiring public notification of estimated copying charges to the public.

Perry MOVED that this be continued to the call of the chair. Hestor seconded. Passed unanimously.

Item 13. Agenda of next meeting

Next meeting will include election of officers.

Perry MOVED that the Taylor proposal for agenda format be on the next agenda. Berk seconded. Passed unanimously.

Amendments to the Rules and Regulations must be mailed out by May 1 if they are to be on the May 15 agenda.

Respectfully submitted,

Sue C. Hestor
Acting Secretary

SF
388
#1
1/15/96

Sunshine Ordinance Task Force

City and County of San Francisco

Notice of Regular Meeting and Agenda
Regular Meeting of Wednesday, May 15, 1996 at 4:00 p.m.
1660 Mission Street, Conference Room 2001

DOCUMENTS DEPT.
MAY 13 1996
SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call
2. Clarification of status of Task Force Officers
3. Selection and appointment of Interim Secretary
4. Consideration and adoption of Minutes, Meeting of April 17, 1996
5. Report on status of reappointment of members to Task Force by the Board of Supervisors
6. Election of officers [proposed for continuance to June 1996 meeting pending appointments by Board of Supervisors]
7. Draft amendments to Rules and Regulations of the Task Force and initiation of changes to be considered at June 1996 meeting
8. Consideration and adoption of Annual Report of the Task Force
9. Discussion and Action on draft amendment to Sunshine Ordinance requiring that meetings of governing bodies of nonprofit contractors who receive funding or other valuable consideration from the City be conducted in accordance with passive meeting requirements of the Ordinance, and that records relating to such contracts be "public information," within the meaning of the Ordinance.
10. Report of the Clerk [communications received since the last meeting of the Task Force]
11. Hearing and action on Complaint of Christopher Witteman re: release of records relating to transfer of Viacom franchise to TeleCommunications, Inc. ("TCI"); and receipt and consideration of City Attorney advice re: same [continued from April 1996 meeting]
12. Discussion and action re: refusal of Public Utilities Commission to disclose identity of person scoring a bidder on a contract [continued from April 1996 meeting]
13. Public comment on items not appearing on the Agenda
    [*This will be the first item of business considered after 5:00 p.m.*]
14. Setting of the Agenda for the next regular meeting of the Task Force
15. Adjournment

[Note: The Rules and Regulations of the Task Force provide that the Vice-Chair of the Task Force shall assume the responsibility of Chair whenever the Chair is unable to perform his or her duties. This Agenda was prepared by the Vice-Chair in accordance with these Rules and Regulations.]

401 Van Ness, Room 402 (415) 554-6075 San Francisco, CA 94102

KNOW YOUR RIGHTS UNDER THE SAN FRANCISCO SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE, OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT 415/554-6075.

*****

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station.

Accessible Muni underground lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, the 14-Mission Limited, and the 42-Downtown Loop bus lines run nearby. The 9, 26, 66, and 71 bus lines run on Market Street, two blocks away. Samtrans 5M, 7B and 7F lines also run nearby. For more information about Muni accessible lines, call 415/923-6142.

Accessible parking is available at 1660 Mission Street with entrance on Otis Street.

Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Mario Benito at 415/558-6164 at least 72 hours in advance of the meeting.

NOTICE OF CANCELLED MEETING

May 14, 1996

TO TASK FORCE MEMBERS AND ALL INTERESTED PARTIES:

Due to the lack of a quorum, the May 15th meeting of the Sunshine Ordinance Task Force is cancelled.

Jill Lerner, Clerk

DOCUMENTS DEPT.

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

Sunshine Ordinance Task Force

City and County of San Francisco

NOTICE OF REGULAR MEETING AND AGENDA
REGULAR MEETING OF WEDNESDAY, JUNE 19, 1996 at 4:00 p.m.
1660 Mission Street, Conference Room 2001

Public Comment will be entertained on each item

DOCUMENTS DEPT
JUN 17 1996
SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call
2. Selection and appointment of interim secretary
3. Swearing in new members of Sunshine Ordinance Task Force
4. Consideration and adoption of minutes of April 17, 1996
5. Election of Chair
6. Consideration and adoption of Proposed Amendments to Rules and Regulations of the Task Force:
   a. Article III, Section 2 - duties of Vice-Chair
   b. Article V, Section 11 - order of business
   c. Article IV, Section 3 - duties of clerk
   d. Article V, Section 14 - minutes
   e. Initiation of amendments for consideration at July meeting

   NOTE: In conjunction with these amendments there will be a general discussion of how the various duties relating to SOTF records, complaint handling, etc. are to be performed in the absence of any staffing by the City except for ministerial items.
7. Election of officers other than Chair
8. Report of Clerk on communications to the Task Force
9. Discussion of schedule of Task Force meetings and quorum problems
10. Further consideration of status of Annual Report of Task Force and tasking Task Force member(s) to prepare the Annual Report for the July meeting

401 Van Ness, Room 402 (415) 554-6075 San Francisco, CA 94102

11. Further consideration of Draft Amendment to Sunshine Ordinance (dated 4/22/96) requiring meetings of governing bodies of non-profit contractors who receive funding or other valuable consideration from the City to conduct their meetings in accordance with passive meeting requirements of the Sunshine Ordinance. Also requiring that records relating to their contract to be Public Records. (Continued from April meeting)

    NOTE: At this meeting there will be further discussion on the proposed amendment, as well as concerns raised by members of the Task Force regarding how this would affect agencies which implement City plans, e.g. the affordable housing plan, mental health plans, substance abuse plans, etc. Further research is necessary to determine which non-profits would be covered by the amendment and to clarify the intention of the Task Force regarding whether they want to cover all of those agencies. No final action will be taken at this meeting.

12. Further hearing and action on complaint of Christopher Witteman regarding release of documents on transfer of Viacom franchise to TeleCommunications Inc ("TCI"). SOTF request for City Attorney advice on this matter. (Continued from April meeting)

13. Hearing and consideration of Public Utilities Commission Refusal to Disclose the identity of the person scoring a bidder on a contract. (Continued from April meeting)

14. Public Comment on items not appearing on the agenda but within the subject matter jurisdiction of the Task Force.

    THIS WILL BE THE FIRST NEW ITEM CONSIDERED AFTER 5:00 P.M.

15. Setting of the Agenda for the next Regular meeting.

16. Adjournment.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT 554-6075.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14-Mission limited, and 42-Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415-923-6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 558-6164 at least 72 hours in advance of the meeting.

NOTICE OF PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS
OF THE SUNSHINE ORDINANCE TASK FORCE

Amendments proposed for consideration at June 19, 1996 meeting:

(a) Amendment of ARTICLE III - DUTIES OF OFFICERS, Section 2. Vice Chair. Add the following language:

The Vice-Chair is responsible for keeping the Task Force Rules and Regulations up to date and in print, the directory of Task Force members, and a compilation of adopted Task Force policies.

(b) Amendment of ARTICLE V - MEETINGS, Section 11. Order of Business:

Re-instate original "4" and re-number remaining:

4. Questions and Matters from members of the Task Force

Amendments proposed by Sue Hestor
Notice given and mailed to Task Force 6/3/96

DOCUMENTS DEPT
JUN 05 19
SAN FRANCIS
PUBLIC LIBRA

NOTICE OF PROPOSED AMENDMENTS TO THE RULES AND REGULATIONS OF THE SUNSHINE ORDINANCE TASK FORCE

Further amendments for consideration at June 19, 1996 meeting:

(a) Amendment of ARTICLE IV - DESIGNATION OF THE CLERK AND OFFICE OF SUNSHINE TASK FORCE, Section 3. Duties of Clerk.

Delete the following language:

The Clerk or her or his designee shall take minutes of each meeting of the Task Force and prepare minutes for the consideration and adoption by the Task Force.

(b) Amendment of ARTICLE V - MEETINGS, Section 14. Minutes.

Substitute the word "Secretary" for the word "Clerk."

Amendments proposed by Jill Lerner.
Notice given and miled to Task Force 6/4/96

DOCUMENTS DEPT.
MAR 2 2 2002
SAN FRANCISCO
PUBLIC LIBRARY

DRAFT

SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, June 19, 1996

Please note: all actions that were adopted by the Task Force are underlined.

The regular monthly meeting of the Sunshine Ordinance Task Force was called to order by Ex Officio member John Taylor, Clerk of the Board of Supervisors, in the absence of current officers, at 4:10 PM, on Wednesday, June 19, 1996. Mr. Taylor agreed to be Chair Pro Tem until the members were sworn in and a new Chair elected.

Item 1. Roll Call
Members present: Charlotte Berk, Bruce Brugmann, Sue Hestor, Byron McQuarters, Karl Olsen, David Pilpel, Marilyn Smulyan, Landis Whistler.

Ex-officio members present: Jill Lerner, John Taylor

Members absent: Robert Planthold, Enrique Rameriz

Item 2. Interim Secretary
Taylor requested that the Clerk Jill Lerner take minutes until a new Secretary was elected.

Item 3. Swearing in of new Members
Taylor swore in all members present for new two-years terms ending on April 27, 1998.

Item 4. Minutes of April 24, 1996
Hestor moved to approve the minutes of the April 24 meeting Brugmann seconded. Passed unanimously.

Item 5. Election of Chair
The Chair Pro Tem opened nominations for Task Force Chair. Pilpel nominated Hestor, who declined. Brugmann nominated McQuarters for Chair. Hestor moved to close the nominations. Berk seconded. The vote for McQuarters was ruled unanimous by the Chair.

Brugmann moved to thank the Chair Pro Tem for performing his duties. The motion was passed unanimously by a voice vote.

McQuarters then presided over the meeting.

Item 6. Consideration of Proposed Amendments to the Rules and Regulation of the Task Force
Hestor introduced amendments relating to Article II, Section 2 - adding the following language to the duties of the Vice chair, "The Vice-Chair is responsible for keeping the Task Force Rules and Regulations up to date and in print, the directory of Task Force members, and a compilation of adopted Task Force policies," and Article V, Section 11, relating to the order of business by

instating the original Item 4, "Comments and questions by Task Force members," back into the agenda and renumbering the remaining items. Hestor moved the amendments. Smulyan seconded. There was no public comment. Unanimously adopted.

A Motion adopting a new format for the agenda was also submitted by Taylor. Because it had not appeared on the calendar it was referred to the next meeting for calendaring and consideration.

Lerner introduced amendments relating to Article IV, Section 3, deleting the language "The Clerk or her or his designee shall take minutes of each meeting of the Task Force and prepare minutes for the consideration and adoption by the Task Force," and Article V, Section 14, substituting the word "Secretary" for the word "Clerk", as the person designated to record and prepare the minutes. Members discussed supporting the amendments for now, but decided to seek a clarification from the office of the CAO regarding the support it would provide to the task force. McQuarters agreed to meet with the CAO and discuss staff support. Pilpel moved the amendments. Brugmann seconded. There was no public comment. Unanimously adopted.

Item 7. Election of Officers other than Chair
The Chair opened nominations for Vice-chair. Brugmann nominated Hestor for Vice-chair. Whistler seconded. McQuarters nominated Pilpel, who declined. Nominations were closed. Unanimously adopted.

The Chair opened nominations for Secretary. Hestor nominated Smulyan for Secretary. Berk seconded. Pilpel moved to close the nominations. Smulyan elected by acclamation.

Smulyan took over the recording of the minutes.

The Chair opened nominations for Media Liaison. Brugmann nominated Pilpel for Media Liaison. Unanimously adopted.

McQuarters made a motion to take those calendar items out of order for which members of the public were present, specifically Items 12 and 13. There was no objection to the motion.

Item 12. Further hearing and action on complaint of Christopher Witteman regarding release of documents on transfer of Viacom franchise to Telecommunication Inc (TCI). SOTF request for City Attorney advice on this matter (continued from April meeting). Hestor questioned whether Witteman had been advised of this hearing and was informed by Lerner that he had not. Committee members discussed the process for handling complaints and informing complainants about hearings. Brugmann indicated that the San Francisco Bay Guardian (SFBG) had also put in a request for these documents.

City Attorney Delvanthal summarized the request made by Witteman, indicating that he sought two types of documents; 1. Documents relating to the question of whether or not the sale of Viacom to TCI is a sale. According to Delvanthal, every document the city has on this question is either a "work product" or "privileged document" (both of which are not subject to disclosure at this time), although either the Mayor or the Board of Supervisors could disclose them if so

choose, and 2. Communications between the City Attorney and TCI. According to Delvanthal, these involve a series of on-going negotiations that do not have to be disclosed at this time. The Sunshine Ordinance says that draft agreements do not have to be disclosed while negotiations are going on. The vast bulk of the information will become public record before the Board of Supervisors votes on the matter. It is possible that (while negotiating) TCI will provide information that they claim is a trade secret; that document would not be disclosed. Delvanthal was asked by Hestor and Brugmann whether the City considers this a sale from Viacom to TCI. Delvanthal responded that this is not a matter of public record.

Brugmann moved that a full public hearing be held (by the Task Force) on the Witteman complaint and a San Francisco Bay Guardian complaint that will be filed immediately, on the issue of the meeting between the Mayor, the City Attorney, and TCI. Whistler seconded. Pilpel recommended that a letter be sent to Witteman, notifying him of the meeting, and asking if he wants to advise the Task Force on the status of his complaint. McQuarters asked for public comment, and there was none. McQuarters called for a vote. Olsen requested that he be excused from consideration of this item, retroactively and for anything in the future concerning this matter, because of a possible, perceived conflict of interest. Whistler seconded. Unanimously passed. Pilpel called for the question on the motion for the public hearing. The motion was passed unanimously, with Olsen excused from voting.

Item 14. Public Comment on Items not on the Agenda
McQuarters set a time limit of 3 minutes per person.

Joseph Partanski, a member of the Task Force's counterpart in Contra Costa County asked for volunteers to come to the East Bay and meet with his task force on July 10 to discuss the work of the Task force. Previous Task Force member James Chaffee and Timothy Gillespe have already agreed, but he requested a few more attendees.. He also presented the Task Force with a copy of Government Technology Magazine.

James Chaffee, past Chair of the Task Force, said that he had prepared comments but they would take longer than three minutes so he will put them in writing. He wished the members of the Task force well. Public comment ended.

Jill Lerner requested that she be allowed to give her report before the next item was heard because she had to leave. The Chair agreed.

Item 8. Report of the Clerk on communications to the Task Force
Lerner reported that no complaints were filed in the past two months until today. The complaint was complicated and unclear. It involved the move of a health clinic to Harrison Street. Jim Berk objected to the fact that he has not received all information from the Health Department. She asked him to put the complaint in writing. Pilpel suggested that she refer him to the Health Commission.

Item 13. Hearing and Consideration of a Public Utilities Commission refusal to disclose the identify of the person scoring a bidder on a contract (continued from April meeting).
Lerner indicated that she has no paperwork on this item. Brugmann said he will make a

complaint, it was erroneously put on the calendar as a hearing for today. The issue involves the PUC's dealing with the first PG&E feasibility study and scoring. The San Francisco Bay Guardian got scoring sheets, but not the names of who did each sheet. Brugmann made a motion to hold a public hearing on the issue of city disclosure of names on bid score sheets. Pilpel seconded. In response to a question about which City Departments are affected, Delvanthal responded: DPW, Purchasing, Civil Service, and HRC. There was no public comment. Motion passed unanimously.

At 5:50 PM John Taylor and Jill Lerner left the meeting.

Item 9. Discussion of schedule of Task Force meetings and quorum problems.
Hestor mentioned past difficulties in keeping a meeting quorum, and members were asked whether anyone present has a problem with the meeting schedule. No one present had a problem, although it was acknowledged that Planthold usually has to leave meetings early to meet childcare obligations. The item was continued to the call of the chair.

Item 10. Further consideration of status of Annual Report of Task Force and tasking Task Force member(s) to prepare the Annual Report for the July meeting.
Members discussed the status of the report that had been submitted by the previous committee. It was recommended that the report be distributed to members and calendared for the next meeting. McQuarters asked for public comment:

James Chaffee stated that his memory of the April meeting was that the Task Force voted that the Clerk, Jill Lerner, would complete the report, and that he and Perry had voted against this motion.

Joseph Partanski offered to give a copy of the report to committee members. Public comment ended.

Pilpel made a motion to set this item on the agenda for the next meeting. Hestor seconded. Unanimous approval.

Item 6. Discussion of how the duties relating to SOTF records, complaint handling etc, are to be maintained in absence of any staffing by the City except for ministerial items.
It was suggested that Pilpel and Lerner agree to a log format and bring it up to date. Pilpel agreed, providing that Hestor provide assistance He will make a report at the next meeting.

Item 11. Further consideration of the draft amendment to Sunshine Ordinance (dated 4/22/96) requiring meetings of governing bodies of non-profit contractors who receive funding or other valuable consideration from the City to conduct their meetings in accordance with passive meeting requirements of the Sunshine Ordinance. Also requiring that records relating to their contract to be Public Records (continued from April meeting).
Members discussed the original intent and possible effects that this item could have on non-profit contractors. The chair called for Public Comment:

Justine Weldon, identified herself as an injured worker from the Moscone Center. She requested that the ordinance be expanded to private for profit contractors doing business with the city. Her

information requests go back to 1986. The Moscone Center is managed by a private, for profit corporation named SMG. The contact specifies that information will be made available to the City authorized personnel. She never received a response from anyone except a form letter from Alioto. This is a health and safety issue. The City did two air quality pollution studies and workers requested to see maintenance letters. Cal OSHA was turned away from an inspection in 1993.

Delvanthal suggested that Weldon write another letter asking for specific records copied to the City Attorney and said that she will get a response. Brugmann suggested that the item needs a public hearing and suggested that she file a SOFT complaint.

Joseph Partanski suggested that the Task Force read the Contra Costa ordinance that is meant to deal with the same types of problems. Its effect is limited to about 7 organizations.

James Chaffee requested that the Chair ask Delvanthal how much this would broaden the sunshine ordinance. He though the Sunshine Ordinance already includes most health related contracts.

Delvanthal responded that the current ordinance requires a public hearing on every lease and every contract with the city, and it allows the public to attend meetings held on city property. The current ordinance would not apply to organizations holding meetings on their own premises.

Holly Garrison, with the Friends of Recreation and Parks, said this would affect small organizations with small budgets and create a financial burden. Public Comment ended.

Hestor moved to continue this matter to the Call of the Chair. Berk seconded. Adopted unanimously.

Item 15. Setting the agenda for the next regular meeting (July 17, 1996).
The following items will appear on the next agenda:

- Motion prepared by Taylor, Adopting a format for the agenda of the sunshine Ordinance Task Force
- Further consideration of the Annual Report (Item 10)
- Public Hearing on the Witteman complaint (Item 12) and a San Francisco Bay Guardian complaint (that will be filed immediately) on the issue of the meeting between the Mayor, the City Attorney, and TCI.
- Public Hearing on the issue of city disclosure of names on bid score sheets (Item 13).

Brugmann made a motion for adjournment at 6:41 PM with a request that City Attorney Delvanthal attend as many meetings a possible. Berk seconded. Hestor moved that the Task Force adjourn in memory of Shelly Salieri. Pilpel seconded. Both motions passed unanimously.

Respectfully submitted by Marilyn Hope Smulyan, Secretary

****
*** ACTIVITY REPORT ***
****

TRANSMISSION OK

TX/RX NO.	3221
CONNECTION TEL	99731718
CONNECTION ID	
START TIME	03/21 03:27
USAGE TIME	02'04
PAGES	3
RESULT	OK

Sunshine Ordinance Task Force

City and County of San Francisco

SF
S88
#1
7/17/96

Notice of Regular Meeting and Agenda
Wednesday, July 17, 1996 at 4:00pm
1660 Mission Street, Conference Room 2001

DOCUMENTS DEPT.
JUL 11 1996
SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call.
2. Adoption of Minutes; meeting of June 19, 1996.
3. Report of the Clerk on Communications to the Task Force.
4. Comments and Questions by Task Force members:
   a. Naming of Parliamentarian.
   b. Review of Complaint Procedures/Log.
5. Complaint of Christopher Witteman, regarding release of documents on transfer of Viacom franchise to Telecommunications Inc (TCI) – (continued from April meeting). PUBLIC HEARING
6. Practice of S.F. Public Utilities Commission to refuse to disclose the identity of the person(s) scoring a bidder on a contract – (continued from April meeting). PUBLIC HEARING
7. Review of Second Annual Report of the Task Force to the San Francisco Board of Supervisors.
8. Motion to adopt New Agenda Format for meetings of the Sunshine Ordinance Task Force – (amendment to Task Force Rules and Regulations).
9. **Public Comment on items not appearing on the July, 17, 1996 Agenda. (This will be the first item of business considered after 5:00pm.)**
10. Setting of the Agenda for the next regular meeting of the Task Force.
11. Adjournment.

401 Van Ness Avenue • Room 402 • San Francisco CA 94102
(415) 554 - 6075

DOCUMENTS DEPT.
MAR 2 2 2002
SAN FRANCISCO
PUBLIC LIBRARY

DRAFT

SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, July 17, 1996

Please note: all actions that were adopted by the Task Force are underlined.

The regular monthly meeting of the Sunshine Ordinance Task Force was called to order by Chair Byron McQuarters at 4:13 PM, on Wednesday, July 19, 1996.

Item 1. Roll Call
Members present: Charlotte Berk, Bruce Brugmann, Sue Hestor, Byron McQuarters, Karl Olsen, David Pilpel, Robert Planthold, Enrique Ramirez Marilyn Smulyan.

Ex-officio members present: Jill Lerner, John Taylor

Members absent: Landis Whistler

Item 2. Adoption of Minutes of June 19, 1996
Ramirez moved to approve the minutes of the June 19 meeting. Berk seconded. Passed unanimously.

Item 3. Report of the Clerk on Communications to the Task Force
Lerner reported on two complaints. First, the San Francisco Bay Guardian's complaint regarding the San Francisco Public Utilities Commission failure to disclose the names on score sheets was mailed to Task Force members on Monday. Copies were also available at the meeting. Second, Mr. Jim Berk who has a complaint related to the Health Department was invited to come and speak at the meeting, but he did not attend.

Item 4. Comments and Questions by Task Force members
McQuarters reported that he had asked John Taylor to serve as Parliamentarian, and that Taylor agreed.

Pilpel reported that he had begun his review of the complaint procedures and log, and will make a full report at the next meeting.

McQuarters reported on his meeting with Bill Lee regarding the potential for more staff assistance for the Task Force. He was informed that there is no funding for the Task Force, and that we cannot get more service than that which is currently being received. After discussion, it was suggested that at the next meeting, the Task Force have an in-depth discussion on staffing. Lerner recommended that Task Force members make a list of what is needed from staff, as a way of focusing the discussion.

Planthold asked about what had happened to complaints that were filed last year, for which no formal action had been taken. Ramirez suggested that the Task Force approach schools or

volunteers for staff assistance. Berk asked whether the Task Force has permanent files and records. Lerner responded, yes.

Planthold asked why only 10 seats were filled on the Task Force. He was informed that the Media Seat is still open.

Planthold questioned whether there is a policy for excusing absences. McQuarters responded that he will mail out a suggested policy on absences.

Pilpel distributed a Memo to Task Force members outlining his major policy goals for the Task Force for the year. He also called attention to the City of Oakland's new Internet access. A member pointed out that the Task Force's Internet information needs to be updated, it still lists James Chaffee as the contact person and address.

Item 5. Complaint of Christopher Witteman, regarding release of documents on transfer of Viacom franchise to TCI. Public Hearing.
Witteman summarized the details of his complaint. He indicated that he had not been aware that it had been calendared for the Task Force meeting in June. Taylor asked what he would like the Task Force to do and Witteman responded that he did not know, other than reiterating the letter that was already sent to the Board of Supervisors asking that the information be released. Task Force members discussed various proposals. Planthold moved that the Chair be authorized to write and send a letter to the Board of Supervisors stating that Task Force members think the documents ought to be disclosed, despite the advice of the City Attorney to the contrary, and asking the Board to hold a public hearing on this issue. In response to questions by Task Force members, City Attorney Friedlander responded that in the past 30 days, things have changed. She indicated that Viacom and TCI have said their actions are not subject to approval by the Board of Supervisors, however, it is the City's position that they are subject to approval. She would not discuss the scope of the negotiations, but she did say that the City Attorney's office considers this a sale that is subject to approval. In response to other questions, Friedlander responded that 1000's of pages of documents have been disclosed to Witteman, there is a discreet set of documents in dispute. As soon as the negotiations are complete and a proposed settlement is reached the documents will become public (there could be some that are withheld, if Viacom or TCI claim "trade secrets"). She also stated that there is no deadline by which this negotiation has to be resolved. Bill Lee and Steve Nelson have been the contact people in the CAO's office. There was no public comment. Witteman pointed out that there was a well-attended hearing at the Board of Supervisors on the contract eight days ago and that today's hearing before the Task Force was not well publicized. The motion passed unanimously, with Olsen continuing to be excused from voting on this issue by an action taken at the last meeting. Brugmann requested that the record show that he supported the motion, but did not believe that it was strong enough.

Item 9. Public Comment on items not appearing on the agenda
Bill Hale commented that many of his previous complaints against the Library are still unresolved and that he will work with the City Attorney to try to clear them up, and suggested that the Board of Supervisors Sunshine notice needs a header or a footer.

Item 7. Review of Second Annual Report of the Task Force to the Board of Supervisors
McQuarters announced that former Task Force member Kathryn Perry had agreed to help complete the report, and Perry appeared before the Task Force and discussed with members the best way to complete this job. Members agreed to get all comments to Sue Hestor by August 31, and Hestor offered to mark up one copy with everyone's comments that she will then forward to Perry who will make the changes, and provide the Task Force with the final report. There was no public comment.

Taylor requested that Item 8 be called next, because he had to leave in 10 minutes.

Item 8. Motion to adopt new agenda format for meetings of the Sunshine Ordinance Task Force
Planthold moved the motion that was provided in writing by Taylor, that would change the agenda format to include; 1. Roll Call, 2. Public Comment on agenda items, 3. Written motions, 4. Issue discussions, 5. Public Comment non agenda items, 6. Introductions (of new motions), 7. Adjournment. Berk seconded. Smulyan offered an amendment that would delete item 2, and add a paragraph at the end that would indicate that for each agenda item, public comment will be heard at the beginning of that item. Members discussed the motion, with Hestor pointing out that if passed, it would hinder the Task Force from taking any actions because of the lack of sufficient staffing to follow the requirement for written motions. Hestor moved to table the motion. Olsen seconded. There was no public comment. The vote passed, 8 "yes", 1 (Ramirez) "no". Taylor reminded Task Force members that there must be a "meaningful description" of items on the agenda. Smulyan requested that the Chair call for public comment at the beginning of each item.

Item 6. Practice of SF Public Utilities Commission to refuse to disclose the identify of the person(s) scoring a bidder on contract. Public Hearing.
Brugmann asked whether Task Force members filing complaints need to refrain from taking part in that complaint. It was suggested that the safest approach is for a member to abstain from voting if there is a potential conflict, however, to do so requires that the Task Force members vote to excuse the member from voting. Chris Torrens, who filed the request for the San Francisco Bay Guardian was asked if he wanted to address the Task Force, and he responded that he did not. At 5:30 PM Taylor left the meeting. Brugmann summarized the complaint. In response to questions, City Attorney Greenberg indicated that he is not aware of a uniform city policy on the release of the names of scorers on scoring sheets, however, if there is, it would probably be to not release them. In the labor and employment arena, the courts have upheld this position.

Public Comment - James Chaffee said that the position of the City Attorney is alarming, and that he is aware of a case in which the appellate court ruled that you could not go into closed session to evaluate.

Pilpel asked whether the complaint is still pending and was informed that the San Francisco Bay Guardian has received the requested information, however it took intervention by a member of the Board of Supervisors in one case, and in the other, all scorers were asked to sign waivers before the information was released. Hestor moved 1) that a letter be sent to City Attorney Renne

asking her to revisit the issue of name disclosure of scorers on technical review committees on proposed City contracts and 2) that the August meeting include an agenda item to consider requesting that the Board of Supervisors amend the Sunshine Ordinance to require disclosure of names of scorers on scoring sheets on technical review committees on proposed City contracts. Ramirez seconded. Pilpel moved that Brugmann be excused from voting. Olsen seconded. Motion to excuse Brugmann adopted unanimously. Vote called on Ramirez motion. Adopted unanimously, with Brugmann excused from voting. At 6:00 PM Ramirez left the meeting.

Item 10. Setting of the Agenda for next meeting, August 21, 1996
The following items were suggested for appearance on the next agenda:

- Review of staff support for the Task Force
- Consider requesting that the Board of Supervisors amend the Sunshine Ordinance to require disclosure of names of scorers on scoring sheets on technical review committees on proposed City contracts
- Consider sending a letter to City departments inquiring about their current practices of releasing names of scorers on City contract technical review committees.
- Consideration of the Task Forces Second Annual Report
- Review of Task Force complaint log and status of complaints
- Complaint policies and procedures

Planthold moved the above agenda items. Olsen seconded. Unanimously adopted.

Lerner requested that she copy each complaint document once for each member, and that members then save them for subsequent meetings.

Pilpel moved for adjournment at 6:05PM. Planthold seconded. Unanimously adopted.

Sunshine Ordinance Task Force

City and County of San Francisco

DOCUMENTS DEPT.

AUG 05 1996

SAN FRANCISCO
PUBLIC LIBRARY

NOTICE OF SPECIAL MEETING and AGENDA

Monday, August 5, 1996 at 4:00 p.m.
1660 Mission Street, Conference Room 2001

1. Roll Call

2. Consideration and action on complaint of Christopher Witteman (filed 7/31/96), regarding the release of documents relating to negotiations between Telecommunications (TCI) and the City and County of San Francisco over its cable franchise.

3. Public Comment on items not appearing on the Agenda.

4. Adjournment

****

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE, OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554-6075

****

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th St. Station. Accessible MUNI lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14-Mission-Limited and 42-Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market St., two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about MUNI accessible lines, call 415-923-6142. Accessible parking is available at 1660 Mission with entrance on Otis St. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Jill Lerner at 415-554-6075 at least 72 hours in advance of the meeting.

401 Van Ness Avenue • Room 402 • San Francisco CA 94102
(415) 554 - 6075

DOCUMENTS DEPT.

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF SPECIAL MEETING
Monday, August 5, 1996

Please note: all actions that were adopted by the Task Force are underlined.

A Special Meeting of the Sunshine Ordinance Task Force was called to order by Chair Byron McQuarters at 4:04 PM, on Monday, August 5, 1996.

Item 1. Roll Call
Members present: Charlotte Berk, Bruce Brugmann, Sue Hestor (4:10), Byron McQuarters, David Pilpel, Robert Planthold, Enrique Ramirez (4:20), Marilyn Smulyan, Landis Whistler
Ex-officio members present: Jill Lerner
Members absent: Karl Olsen
Ex-officio members absent: John Taylor

Item 2. Consideration and action on complaint of Christopher Witteman (filed 7/31/96)), regarding the release of documents relating to negotiations between Telecommunications (TCI) and the City and County of San Francisco over its cable franchise.

McQuarters thanked members for being present and explained that he had called for the special meeting to allow the Sunshine Task Force to consider a new complaint filed by Christopher Witteman regarding the release of documents, before the scheduled hearing at the Rules Committee of the Board of Supervisors takes place (the hearing was initially scheduled for August 6 but has been rescheduled for August 8). In his new complaint, Witteman alleges that the City Attorney will publicly present a franchise amendment to the Board of Supervisors at the Rules Committee meeting, and that the Board intends to vote on the matter as soon as possible, even though none of the documents relating to the negotiations nor the proposed amendment have been made available to the public. He specifically requests that the Task Force again recommend the full production of all documents and request that the Board of Supervisors withhold any action on such amendment for sixty days from the date of production of all documents, and that a privilege log identifying any documents withheld on any legal rationale.

Brugmann moved, Berk seconded the following three-part motion:

That the Sunshine Ordinance Task Force,

1. Again request full production of all documents relating to the TCI franchise sale and amendment and negotiations, specifically before the scheduled Thursday Rules Committee public hearing;

2. Formally request that the Board of Supervisors take no action on the TCI proposal for 60 days after the City Attorney has produced the documents; and

3. Request that the City Attorney produce a privilege log to identify any withheld documents and the legal rationale for do doing.

Members discussed the current situation and the motion. Brugmann stated that he had called Viacom that morning and that the person answering the phone said, "Thank you for calling TCI," and that the TCI signs were now up on their building. This is all consistent with the TCI press release that announced that the sale would be complete by July 31st. Brugmann pointed out that the current agreement with Viacom specifically prohibits such a sale without action by the City, and that if the negotiations were done in public, the end product may be significantly different. He also stated that at the next meeting of the Task Force he intends to offer a much larger proposal to amend the Sunshine Ordinance as to the dealings on large sole source contracts such as this. Pilpel asked whether the City Attorney and complainant were notified of the meeting since neither of them were present, and was informed by McQuarters that they were. The City Attorney arrived a few minutes later. Hestor asked whether anyone had reviewed the Board file for the Rules Committee meeting. Brugmann and a member of the San Francisco Bay Guardian staff both indicated that as of that morning, nothing was in the file. It was pointed out that the calendared item is a hearing, not a specific action item. The City Attorney was asked why negotiations are going on if TCI is saying that it is a done deal. City Attorney Greenberg responded that the transfer of stock is a done deal, but that the City is still negotiating an amendment. He was then asked to respond to the motion before the Task Force. Greenberg responded that 1) the position of his office on the production of documents has not changed, and hopefully negotiations will be over soon, possibly in a week, 2) the City Attorney has no authority to grant the 60 day request, and 3) there is no requirement that they produce a privilege log and they have no resources to do so.

Members continued to discuss the motion. Hestor suggested that it is possible that this hearing is being held in response to the letter sent by the Task Force to the Supervisors, and that the tone of the Task Force request should be to thank the Supervisors for holding the meeting and getting the ball rolling on this issue, and then point out the huge unresolved issues. Whistler asked whether someone should testify at the hearing on behalf of the Task Force, and it was agreed by consensus that Hestor would be the Task Force representative because the Chair is not able to attend, but all other members were also encouraged to attend if available. McQuarters asked for Public Comment on the item and there was none. He called for the vote and the motion was passed unanimously.

Item 3. Public Comment on items not appearing on the Agenda.
Joe Partanski invited members of the Task Force to attend the meeting of Contra Costa task force this coming Wednesday from 3 to 5 PM.

Item 4. Adjournment
Lerner announced that T.J. Anthony died on August 2nd, and suggested that a motion be made to adjourn in his memory. Planthold made the motion to adjourn in the memory of T.J. Anthony, Pilpel seconded. Unanimously adopted. The meeting adjourned at 4:46 PM.

Respectfully submitted by Marilyn Hope Smulyan, Secretary.

Sunshine Ordinance Task Force

City and County of San Francisco

SF
S88
#1
8/21/96

Notice of Regular Meeting and Agenda

Wednesday, August 21, 1996 at 4:00pm

1660 Mission Street, Conference Room 2001

DOCUMENTS DEPT.
AUG 15 1996
SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call.

2. Adoption of Minutes: a. regular meeting of July 17, 1996. b. special meeting of August 5, 1996.

3. Report of the Clerk on Communications to the Task Force.

4. Comments and Questions by Task Force members:
   a. review of staff support for the Task Force.
   b. report on Board of Supervisors Rules Committee Meeting, August 8, 1996.

5. Consideration of motion to adopt and present the Second Annual Report of the Task Force to the San Francisco Board of Supervisors.

6. Consideration of proposed amendment to the Sunshine Ordinance regarding contract negotiations between the City and entities holding exclusive contracts with the City and County of San Francisco.

7a. Consideration of motion to request that the Board of Supervisors amend the Sunshine Ordinance to require disclosure of names of scorers on scoring sheets on technical review committees on proposed city contracts. b. consideration of motion to send letter to city departments inquiring about their current practices of releasing names of scorers on city contract technical review committees.

8a. Review of complaint procedures and policies. b. review of status of any backlogged complaints.

9. Review of role of City Administrator and the Mayor to Sunshine Ordinance under new City Charter.

10. Public Comment on items not appearing on the today's Agenda. (This will be the first item of business considered after 5:00pm.) There will also be an opportunity for members of the public to speak on each agenda item.

11. Setting of the Agenda for the next regular meeting of the Task Force.

12. Adjournment.

401 Van Ness Avenue • Room 402 • San Francisco CA 94102
(415) 554 - 6075

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554–6075.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J–Church, L–Taraval, K–Ingleside, M–Ocean View and N–Judah. The 14–Mission, 14–Mission–Limited, and 42–Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415–923–6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 415–558–6164 at least 72 hours in advance of the meeting.

SUNSHINE ORDINANCE TASK FORCE

August 21, 1996

The Minutes of this meeting are missing.

San Francisco Public Library
Government Information Center

Sunshine Ordinance Task Force

City and County of San Francisco

Notice of Regular Meeting and Agenda

Wednesday, September 18, 1996 at 4:00pm
1660 Mission Street, Conference Room 2001

DOCUMENTS DEPT.
SEP 13 1996
SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call.
2. Adoption of Minutes - meeting of August 21, 1996.
3. Report of the Clerk on communications to the Task Force.
4. Comments and Questions by Task Force members.
5. Consideration of filling vacant seats.
6. Continuation of review of complaint process.
7. Consideration of issues raised in 7/28/96 and 8/27/96 communications from Roberta Caravelli of Citizen Review to S.F. Planning Department, concerning public records which are kept on computer diskette.
8. Electronic Access: Review of S.F. Civil Grand Jury report on Information Technology Services in San Francisco Government.
9. Update on Cris Witteman complaint, regarding request for documents relating to cable franchise negotiations.
10. Setting of the Agenda for the next regular meeting.
11. Adjournment.

Public Comments on items not appearing on today's agenda. (This will be the **first new item of business considered after 5:00pm.** There will also be an **opportunity for members of the public to speak to** each agenda item.)

401 Van Ness Avenue • Room 402 • San Francisco CA 94102
(415) 554 - 6075

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554–6075.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J–Church, L–Taraval, K–Ingleside, M–Ocean View and N–Judah. The 14–Mission, 14–Mission–Limited, and 42–Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415–923–6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 415–558–6164 at least 72 hours in advance of the meeting.

DOCUMENTS DEPT.

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, September 18, 1996

Please note: all actions that were adopted by the Task Force are underlined.

The regular monthly meeting of the Sunshine Ordinance Task Force was called to order by Chair Byron McQuarters at 4:15 PM, on Wednesday, September 18, 1996.

Item 1. Roll Call
Members present: Charlotte Berk, Bruce Brugmann, Sue Hestor, Byron McQuarters,, David Pilpel, Robert Planthold, Enrique Ramirez, Marilyn Smulyan.

Ex-officio members present: Jill Lerner, John Taylor

Members absent: Karl Olson, Landis Whistler

Deputy City Attorney Amy Ackerman was also present.

Item 2. Adoption of Minutes
Planthold moved to approve the minutes of the August 21, 1996 meeting. Berk seconded. Unanimously approved.

Item 3. Report of the Clerk on Communications to the Task Force
Lerner reported that a complaint was filed by Francisco Rivero regarding the Controller's Office, and that it is being resolved. A written summary of actions taken on the complaints of Jim Berk, Eladio Ballestas, and Francisco Rivero was provided.

Responses are coming in to the letter sent by McQuarters asking City departments about their policies related to technical review committees. This item will be calendared in October.

Supervisor Katz sponsored legislation regarding GIS System software, and an amendment was made to the Sunshine Ordinance exempting this software.

Item 4. Comments and Questions by Task Force members
Planthold questioned how the Task Force should respond to inaccurate reports about the Task Force in the media, citing an article in the current issue of the City Voice. McQuarters asked Pilpel to draft a response to the City Voice article.

Pilpel circulated an article on public records on the Internet.

McQuarters announced that Landis Whistler has resigned his seat on the Task Force because of health problems.

Item 5. Consideration of filling vacant seats
McQuarters pointed out that both the Media seat and Whistler's seat are open. Members discussed various ways to fill the media seat, including the possibility of requesting the Board to rename it as a "public" seat if it is not filled soon. Brugmann and Pilpel agreed to send out a notice to the media.

Item 6. Continuation of review of complaint process
Pilpel reported that he did not have to time to prepare the revised draft. McQuarters is working more closely with the Clerk and the City Attorney, everyone is trying to smooth out the process. Complaints are now going from the Clerk, to the City Attorney for resolution when possible, and then if not resolved, to the full Task Force.

Item 7. Consideration of issues raised in 7/28/96 and 8/27/96 communications from Roberta Caravelli of Citizen Review of the SF Planning Department, concerning public records which are kept on computer diskette.
Ms. Caravelli informed the Task Force that the agenda is misleading because the issue at Planning is resolved, but there is a larger issue related to computer diskettes. Specifically, in the acceptance of diskettes, how departments make them a part of the public record. She also pointed out that the Planning Department is only months away from getting direct file transfers from lobbyists. Caravelli suggested that the Task Force write an educational memoranda to make sure that all departments know that diskettes are part of the public record. She indicated that the Planning Department has agreed to print out the contents of the diskette, along with the name of the submitter. Some communities keep the diskettes in a separate file, while acknowledging their existence in the regular file on a particular subject.

Members discussed the problem of diskettes, direct transfers of information, and the potential for submittals to be based on specialized hardware and/or software that not everyone would have, or would even be able to use even if they had access to the hardware and/or software. It was also pointed out that to print out all submittals defeats the whole idea of getting rid of more paper. Using the Board of Supervisors as an example, Taylor said that for word processing information, it would not be difficult to find a solution. A file is created for each item before the Board, and it includes a form that references everything that exists on the item. It would be easy to indicate that a diskette or other electronic information is available. The City Attorney left the meeting at 5:03. McQuarters suggested forming an Education Committee of the Task Force to look into these issues.

McQuarters asked for Public Comment. Mr. Hale commented that Adobe puts out a good program for sending documents called Acrobat. Mr. Chaffee referenced the Nicholson Baker suit, in which the library denied that it had a public record. If it was printed, it would be over 4,000 pages. The City Attorney established that a record did exist and set up a File Transfer Protocol to allow him to download it. According to Mr. Chaffee, this suit provides recognition that a data file is a public record.

Public Comment on Items not appearing on the agenda
Mr. Hale pointed out that other bodies issue minutes along with the agenda. He also said that he

will be filing a new complaint about the library. He asked the question, "when does a draft document become a public record?" Brugmann recommended that he get the new book written by Terry Frank with the First Amendment Coalition because this is a complicated issue.

Ms. Caravelli, President of Citizens Review, informed members that trying to teach something to others is the best way to learn yourself.

Item 8. Electronic Access: Review of SF Civil Grand Jury report on Information Technology Services in San Francisco government
Pilpel reported that he was not able to copy the relevant parts of the report for this meeting. The item was continued to the call of the chair. Taylor commented that the Controller feels that they have been dealing with many of the issues raised in the report.

Item 9. Update on Chris Witteman complaint, regarding request for documents related to cable franchise negotiation.
Mr. Witteman reported that he still has not received the items requested. Two binders of the draft amendment are available at City Hall. He reported that today, Friedlander informed him by phone that others will be available tomorrow, but a privilege log of withheld documents will not be available. He questioned the whereabouts of previous drafts, wondering whether or not the City knew that the illegal transfer was taking place. Committee members discussed the issues. Hestor moved that a letter be immediately sent to Board President Shelley, urging the Board to require a privilege log and to provide a 60 day review period once all documents are released. Planthold seconded. It was suggested that the letter be copied to the full Board, the City Attorney, and the complainant. The motion was discussed. Hestor left the meeting at 5:23. Brugmann asked Witteman whether the sole source legislation being discussed by the Task Force would have dealt with this issue. Witteman responded that if it had been in effect, he would not now be trying to get this information. There was no Public Comment. The motion passed unanimously.

Item 10. Setting of the Agenda for the next regular meeting
The following items were proposed for the agenda:

- Formation of an Education Subcommittee (McQuarters)
- Ask the City Attorney to respond to the question, "Are there requirements for requesting public records?" (Planthold)
- An inquiry about non-written computer transfers and the applicability of the Sunshine Ordinance. (Planthold). This will not be on the agenda, instead it will be referred to the new Education Subcommittee once it is formed.
- Establishing a press policy (Pilpel)
- Results of the Technical Review Committee questionnaire
- Proposed legislation on exclusive contracts, both the amendment and the City Attorney's comments on the advisability of adopting such legislation.
- Sanctions on violations of the ordinance (Ramirez)

Item 11. Adjournment
Ramirez made a motion for adjournment at 5:41 PM, Berk seconded. Unanimously adopted.

Sunshine Ordinance Task Force

City and County of San Francisco

Notice of Regular Meeting and Agenda

Wednesday, October 16, 1996 4:00 PM

1660 Mission Street, Conference Room 2001

DOCUMENTS DEPT.

OCT 11 1996

SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call
2. Adoption of Minutes - meeting of September 18, 1996
3. Report of the Clerk on communications to the Task Force
4. Comments and Questions by Task Force members.
   a. City Attorney's answer to the question: Do requests for public documents have to be submitted in writing?
5. Motion to form an Education Committee of the Task Force.
6. Motion to recommend to the Board of Supervisors a Sunshine ordinance amendment on city contract negotiaions and disclosure of related documentary information (continued from 8/21/96 meeting).
7. a. Review of results of Technical Review Committee Survey. b. Motion to request the City Attroney to draft Sunshine ordinance amendment to require disclosure of names of scorers on scoring sheets of technical review committees (continued from 8/21/96 meeting).
8. Motion to send a letter of concern to the Mayor and the Board of Supervisors regarding their adherence to the spirit of the Sunshine Ordinance.
9. Consideration of adopting Sunshine ordinace sanctions.
10. Consideration of establishing press policy.
11. Setting of the Agenda for the next regular meeting.
12. Adjournment

Public Comments on items not appearing on today's agenda. (This will be the first new item of business considered after 5 p.m. There will also be an opportunity for members of the public to speak to each agenda item.)

401 Van Ness Avenue • Room 402 • San Francisco CA 94102
(415) 554 - 6075

****

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554-6075.

****

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible MUNI lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14-Mission Limited and 42-Downtown Loop run nearby. For more information about MUNI accessible lines, call (415) 923-6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at (415) 558-6164 at least 72 hours in advance of the meeting.

DOCUMENTS DEPT.

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, October 16, 1996

The meeting of the Sunshine Ordinance Task Force convened at 4:15 pm. In the absence of the secretary Marilyn Smulyan due to illness, Sue Hestor volunteered to take the minutes.

Item 1. Roll Call

Present: Berk, Brugmann, Hestor, McQuarters, Olson, Planthold, Ramirez.
Ex Officio: Lerner, Taylor
Deputy City Attorney: Ackerman
Absent: Smulyan (excused), Pilpel (excused)

Item 2. Minutes of September 18, 1996

Draft minutes presented. Motion to approve by Planthold, second by Berk. Adopted unanimously.

Item 3. Report of the Clerk on communications to the Task Force.

Lerner reported that Ackerman's 10/7/96 response to questions from the Task Force regarding committees of the Task Force was in the mailed packet. Also that a 9/18/96 response from the City Attorney to Chris Witteman regarding his request for documents was available. She also noted that the Order Granting Defendants' Motion for Summary Judgment in the suit of Rivera v. Arlo Smith was available in the file.

Item 4a. City Attorney response - Do requests for public documents have to be submitted in writing?

Ackerman provided a letter dated 10/7/96 concluding that it is not necessary to request documents in writing. In response to an inquiry by Brugmann she stated that a written request helps guide the person doing the search for documents.

Ramirez inquired whether anyone has drafted a form for requesting documents. Taylor offered that over 99% of the requests the Board of Supervisors receives are oral requests and observed that Ackerman's letter answers our question, but doesn't serve the purpose of instructing departments on how to deal with requests for records.

Members of the public James Chaffee and Bill Hale commented that the memo doesn't address departments that respond to oral requests for documents by stating "put it in writing" and that departments need to be told what their obligations are.

McQuarters suggested that there be a forum for city departments on the Sunshine Ordinance. Ramirez has volunteered to work on that.

It was also noted that the City's internet page on the Task Force was out of date. Chaffee has updated it.

Item 5. Educational Committee of the Task Force

Planthold moved to form an education committee of the Task Force. It was seconded. McQuarters passed out a handout with his ideas on that committee. Lerner noted that her office could not take on any additional duties regarding the Task Force and that would include mailing notices of committee meetings. Planthold volunteered to chair the committee. Ramirez offered that work can be done at Task Force meetings with committee members doing follow up.

Olson left at 4:46.

The item was continued to the call of the chair.

Item 6. Recommendation to Board of Supervisors on an amendment to the Sunshine Ordinance on City contract negotiations and disclosure of related documentary information

Ackerman noted that there is no language yet available from her office. It has been drafted and redrafted and is still being reviewed. She anticipates that language will be available for the November meeting.

Donna Ernst, executive director of Friends of Rec Park noted her concerns that her private non-profit contracts with the City and gives money to the City, and that her records are open.

Bill Hale noted that the Library Foundation refuses to give an accounting of its funds until the new library is "complete: and that members of the public are concerned that by their funding programming of the library is being affected.

Hestor asked who determines the program to be funded, the department/commission or the funder, and stated that the development of new programs should be done publicly by the department/commission.

Ackerman left at 5:00.

Planthold noted that some public assets are made available to some non-profits, e.g. vehicles.

Matter continued to next meeting.

5:00 General Public Comment

Bill Hale stated that the Library will not make available proposed revisions to the revised by-laws on the grounds that they are private communications between the Department and the City Attorney.

James Chaffee stated that some private non-profits become quasi-City agencies.

Item 7a Review of results of Technical Review Committee Survey

There is a handout setting out the results of the survey.

11 Departments use Technical Review committees. 20 don't.

2 have names of scorers on sheets. 6 are coded, 3 "other."

Item 7b Motion to draft amendment of Sunshine Ordinance to require disclosure of scorers on scoring sheets of technical review committees

Brugmann moved to ask the City Attorney to draft am amendment to the Sunshine Ordinance regarding disclosure of scorers on scoring sheets. Seconded. Hestor inquired about how this would affect on-going Health Department contracts with providers. Taylor offered that evaluation of people involved should possibly be treated as a personnel matter. Hestor noted the potential problem with service delivery providers, in particular mental health contracts where there may be problems of confidentiality.

Planthold noted that identification of a scorer helps understand whether there is a bias toward a provider. He noted that the Sunshine Ordinance exempts staff committees and inquired whether this was an extension into staff functions.

The motion to ask the City Attorney to draft an amendment to the Sunshine Ordinance passed unanimously.

Items 9 (Sunshine Ordinance sanctions) and 10 (press policy) continued by chair to next meeting.

Item 8. Letter to Mayor and Board of Supervisors regarding their adherence to the Sunshine Ordinance.

McQuarters put this matter on the agenda. This arose in the matter of putting Proposition E on the ballot as well as the Muni contract, both of which involved substantial amounts of information coming out at the last minute with legislation being written in hallways while the the hearing was in process.

There is a letter of concern asking the Mayor and Supervisors to give more consideration to the public process. Moved by Planthold, seconded by Berk.

The motion passed unanimously.

The tape ran out at 5:53. The meeting adjourned at 5:54 pm.

Respectfully submitted,

Sue C. Hestor
Acting Secretary

Sunshine Ordinance Task Force

City and County of San Francisco

Notice of Regular Meeting and Agenda

Wednesday, November 20, 1996 at 4:00pm
1660 Mission Street, Conference Room 2001

DOCUMENTS DEPT.
MAR 2 2 2002
SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call.

2. Adoption of Minutes - regular meeting of October 16, 1996.

3. Report of the Clerk on communications to the Task Force.

4. Comments and Questions by Task Force members.

5. Hearing on complaint of Eladio J. Ballestas, regarding inspection of public records on innovative housing.

6. Motion to recommend to the Board of Supervisors a Sunshine Ordinance amendment on city contract negotiations and disclosure of related documentary information. (continued from 8/21/96 meeting).

7. Motion to recommend to the Board of Supervisors a Sunshine Ordinance amendment requiring that translators be provided at meetings of the Board of Supervisors.

8. Motion to request clarification from Mayor's Office regarding his designee to the task force as well as staffing needs of the Task Force.

9. Setting of the Agenda for the next regular meeting.

10. Motion to cancel December regular meeting of the Task Force.

11. Adjournment.

Public Comments on items not appearing on today's agenda. (This will be the first new item of business considered after 5:00pm. There will also be an opportunity for members of the public to speak to each agenda item.)

401 Van Ness Avenue • Room 402 • San Francisco CA 94102
(415) 554 - 6075

****

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554-6075.

****

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible MUNI lines are the J-Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14-Mission Limited and 42-Downtown Loop run nearby. For more information about MUNI accessible lines, call (415) 923-6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at (415) 558-6164 at least 72 hours in advance of the meeting.

DOCUMENTS DEPT.

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, November 20, 1996

Please note: all actions that were adopted by the Task Force are underlined.

The regular monthly meeting of the Sunshine Ordinance Task Force was called to order by Chair Byron McQuarters at 4:16 P.M. on Wednesday, November 20, 1996.

Item 1. Roll Call
Members present: Charlotte Berk, Bruce Brugmann, Byron McQuarters, Karl Olson, David Pilpel, Enrique Ramirez (4:51), Marilyn Smulyan.
Ex-officio members present: Jill Lerner
Members absent: Sue Hestor (excused), Robert Planthold (excused), Ex-officio Member John Taylor (excused).
Others present: Deputy City Attorney Amy Ackerman

Item 2. Adoption of Minutes
McQuarters reported that Hestor is out of town and had not provided the minutes of the last meeting, which she took due to the absence of the Secretary. They will be presented to the members at the next meeting.

Item 3. Report of the Clerk on Communications to the Task Force
Lerner reported that Ms. Caravelli has filed a complaint, and that she received a copy of an amicus brief filed on behalf of the California First Amendment Coalition, the Society of Professional Journalists and the First Amendment Project in support of a writ petition filed by Francisco Rivero, challenging the ruling by the Superior Court that the Sunshine Ordinance does not apply to terminated investigative records of the District Attorney's Office.

Pilpel asked if it would be possible for the Clerk to regularly prepare a log of all communications received and provide it to Task Force members. Lerner responded that she would discuss this request with her office.

Item 4. Comments and Questions by Task Force members
McQuarters reported that he had talked with two members of the Ethics Commission about the possibility of moving the administration of the Task Force to their office. He anticipates that they will discuss this suggestion at their December meeting. Pilpel reported that he has been very busy and has not completed his response to the Voice article, but will do so soon. McQuarters announced that members should inform him of any concerns or potential changes in the proposal he made last month to note excused and unexcused absences of Task Force members. Deputy City Attorney Amy Ackerman announced that she will no longer be the representative from the City Attorney's office to the Task Force and that Laurie Giorgi will be her replacement

5. Hearing on complaint of Eladio J. Ballestas, regarding inspection of public records on Innovation Housing.

Ballestas informed the Task Force that he is concerned about what is happening to $200 million in City contracts and began requesting information in order to draft a ballot initiative. He is trying to find information that shows that City agencies are wasting federal funds that go to non-profit agencies. He has requested information from the Mayor's Office of Housing, Mayor's Office of Community Development, the Board of Supervisors, and the City Attorney.

Deputy City Attorney Ackerman reported that she has nothing to add to the information that her office mailed to members of the Task Force. She said that the Sunshine Ordinance does not allow the public to see each and every document, some are exempt, including some that were requested by Mr. Ballestas. She also explained that her office was not requesting payment to see the documents, only payment for the cost of staff to provide the information after the first hour of preparation. Olsen commented that the charge of $105 per hour must build in some profit to the City, and that it appeared that the charge was not mentioned until after the documents were made available. Ackerman responded that she didn't set the rate, but that she thought it was probably pro-rated and included benefits, overhead, etc. Brugmann pointed out that the fee is discretionary. Ackerman indicated that she had probably spent between 20-25 hours on this request to date.

Ballestas reported that he was provided four boxes of documents, but that he went on a holiday and after his return was not allowed to look at them again without paying the charge. (At about 4:55 it was noted that Ackerman had to leave around 5:00 and this items was temporarily set aside in order to hear Item 7 before she left. This item was completed after Item 7 was called and heard.) Olsen commented that he was troubled by the City charges. Brugmann moved, Olsen seconded a motion to request that the City Attorney should turn over to Mr. Ballestas all of the boxes that had been set aside for him immediately and without charge. McQuarters asked for Public Comment. Mr. James Chaffee commented that the courts have ruled that the only allowable charges are those for the direct costs of duplication. Peter Byrne, editor and publisher of the San Francisco Investigator, commented that the motion is fine but doesn't go far enough. Charging money is discriminatory. Roberta Caravelli commented that the Task Force should suggest that City departments use separate file folders for privileged information. Richmond Lowensen commented that the Task Force is too quiet. Members should be warriors. Timothy Gillespe of the Public Access Project commented that he finds the situation dangerous and disturbing. The City Attorney's position is in opposition to State law and the Sunshine Ordinance. The motion passed unanimously.

Pilpel moved, Olsen seconded a motion that a letter be sent to the members of the Board of Supervisors who have not responded to Mr. Ballestas request, requesting that they provide a satisfactory response to Mr. Ballestas that respects the letter and the spirit of the Sunshine Ordinance. The motion passed unanimously. Pilpel wanted to continue with Mr. Ballestas complaint against the Deputy City Attorney but other members objected. It will be continued at the next meeting. Deputy City Attorney Ackerman left the meeting at 5:15 P.M.

Public Comment on Items not on the Agenda (heard at 5:17 P.M.)
Richard Rothman commented that he is frustrated with the Sunshine Ordinance and that it either needs to be abolished or some teeth need to be put in it and it needs to be enforced. He cited three specific instances of non-compliance: there is no list available of stocks held by the City Retirement System; a person in the Human Resources Department was not cooperative and their computer list is a year out of date; and he asked the City Attorney for an immediate response to a request. Three days later he got a call saying that his request had been sent to the wrong address. The City Attorney's office also does not clock mail as it comes in.
Roberta Caravelli, President of Citizen's Review, commented that the Sunshine Ordinance states that a request will be satisfied, not just replied to. The City Attorney's office only cares that a response is generated. She asked why filing systems haven't been changed. Why not just place all exempt files in separate file folders?
James Chaffee commented that the amicus brief that was received by the Task Force was written by Elizabeth Pritzer, a former Task Force member; that there were not copies available for the public of the City Attorney's letter to the Task Force on the proposed amendment to disclose information about contract negotiations; and that the Task Force had mandated that a log of all correspondence be kept during its first year of operation.
Richmond Lowenson commented that he hopes that the agency has to prove that documents are of client/attorney privilege.
Bill Hale commented that the Library refused to send an agenda on e-mail, saying that the Sunshine Ordinance doesn't allow it to do so. He suggested that there be a requirement that all departments adopting rules about access give them to the Task Force first for approval.

Item 6. Motion to recommend to the Board of Supervisors a Sunshine Ordinance amendment on City contract negotiations and disclosure of related documentary information.
McQuarters indicated that when he sent the letter requesting the legislation to the City Attorney he left out the words "sole source bidders." Deputy City Attorney Greenberg who had been present at the meeting did not explain the intent to Ackerman. Ackerman said that she just saw the official letter and had no other information about the request. Smulyan moved, Berk seconded a motion that the Task Force formally request that the City Attorney draft the amendment to cover sole source contracts only, and that it be ready for the next meeting. McQuarters asked for public comment. Byrne commented that the City Attorney is in a conflict of interest. Caravelli commented that the Task Force needs an attorney. Lowenson suggested that the Task Force get a pro bono attorney. The motion passed unanimously. Smulyan volunteered to draft the letter.

Item 7. Motion to recommend to the Board of supervisors a Sunshine Ordinance amendment requiring that translators be provided at meetings of the Board of Supervisors.
Pat Dunn, Legislative Aid to Supervisor Mabel Teng, explained that this legislation was drafted after a public meeting was held and attended by many members of the public who could not actively participate because of the lack of a translator. Smulyan moved, Berk seconded a motion that the Task Force recommend passage of the amendment to the Board of Supervisors. Motion passed unanimously.

Item 8. Motion to request clarification from the Mayor's Office regarding his designee to the Task Force as well as staffing needs of the Task Force.

In the absence of Planthold who had requested this item, it was continued to the call of the chair. Public comment; Byrne commented that the Task Force can't be dependent on staffing from departments and that it doesn't need professional bureaucrats. Caravelli commented that the Task Force needs a budget. Ballestas commented that the Task Force could get funding from MOCD.

Item 9. Setting of Agenda for the next regular meeting.
- continue the hearing on the complaint of Mr. Ballestas against Deputy City Attorney Ackerman.
- consider a recommendation to the Board of Supervisors that the Small Claims Court be given the authority to hear sunshine complaints and to impose sanctions. (Ramierz)
- consider a recommendation that entities store public records on an exempt/non-exempt basis.

Public Comment: Caravelli requested that her complaint be heard at the next meeting.

Item 10. Motion to cancel the December regular meeting of the Task Force.
Smulyan moved, Berk seconded a motion that the Task Force cancel its December meeting. Public Comment: Byrne, Chaffee, Lowenson, and Caravelli all opposed the motion. The motion passed, with Ramirez voting no.

Item 11. Adjournment
Lerner announced that this will be her last meeting of the Task Force. Her office is assigning Georgia Dunne to take over. Brugmann moved, Smulyan seconded that the meeting be adjourned at 6:18 P.M. in honor of Jill Lerner. Motion adopted unanimously.

Minutes respectfully submitted by Secretary Marilyn Hope Smulyan

Sunshine Ordinance Task Force

City and County of San Francisco

SF
S88
#1
1/15/97

Notice of Regular Meeting and Agenda

Wednesday, January 15, 1997 at 4:00pm

1660 Mission Street, Conference Room 2001

DOCUMENTS DEPT.

JAN 13 1997

SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call.
2. Adoption of Minutes - regular meetings of October 16, 1996, November 20, 1996.
3. Report of the Clerk on communications to the Task Force.
4. Comments and Questions by Task Force members.

MAIN AGENDA

5. Discussion and initial planning of sunshine forum.
6. Motion to recommend to the Board of Supervisors a Sunshine Ordinance amendment on city contract negotiations and disclosure of related documentary information (continued from 8/21/96 meeting).
7. Consideration of complaint of Eladio J. Ballestas, regarding the City Attorney's Office (continued from 11/20/96 meeting).
8. Consideration of recommendation to the Board of Supervisors that the Small Claims Court be given authority to hear sunshine complaints and to impose sanctions.
9. Consideration of recommendation that entities store public records on an exempt/non-exempt basis.

END OF MAIN AGENDA

10. Setting of the Agenda for the next regular meeting.
11. Adjournment.

*****Public Comments on items not appearing on today's agenda. (This will be the first new item of business considered after 5:00pm. There will also be an opportunity for members of the public to speak to each Main Agenda item.)*****

401 Van Ness Avenue • Room 402 • San Francisco CA 94102
(415) 554 - 4851 Fax (415) 554 - 4849

****

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554–4852.

****

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J–Church, L–Taraval, K–Ingleside, M–Ocean View and N–Judah. The 14–Mission, 14–Mission–Limited, and 42–Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415 923–6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 415–558–6164 at least 72 hours in advance of the meeting.

3F
388
#2
1/15/97

DOCUMENTS DEPT.
APR 22 1997
SAN FRANCISCO
PUBLIC LIBRARY

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, January 15, 1997

Please note: all actions that were adopted by the Task Force are underlined.

The regular monthly meeting of the Sunshine Ordinance Task Force was called to order by Chair Byron McQuarters at 4:10 P.M. on Wednesday, January 1, 1997.

Item 1. Roll Call
Members present: Zoran Basich (4:14), Charlotte Berk (4:15), Bruce Brugmann, Sue Hestor (4:12), Byron McQuarters, Karl Olson (4:16), David Pilpel, Robert Planthold, Enrique Ramirez (4:12), Marilyn Smulyan, Nancy Sutley.
Ex-officio members present: Georgia Dunn, John Taylor
Also present: Deputy City Attorney Lori Giorgi

Item 2. Adoption of Minutes
Pilpel moved, Brugmann seconded a motion to adopt the minutes of the November 20, 1996 meeting. Unanimously adopted. Adoption of the October minutes was continued to the next meeting.

Item 3. Report of the Clerk on Communications to the Task Force
Dunn presented a file containing the correspondence received since the last meeting and it was circulated among the members. Pilpel asked whether she could present the committee with a summary of all correspondence at future meetings. Dunn responded that she could, if requested to do so by the Chair.

Item 4. Comments and Questions by Task Force Members
McQuarters extended a welcome to the two new committee members, Zoran Basich and Nancy Sutley; the new Clerk, Georgia Dunn; and the new Deputy City Attorney, Lori Giorgi.
McQuarters reported that he had not met with the Ethics Commission to pursue the possibility of moving the staffing of the Task Force to their Commission; because of structural issues that they were dealing with it did not seem timely. He is also exploring the possibility of moving this function to the Clerk of the Board of Supervisors and has begun discussions with John Taylor.
Pilpel reported that he had attended a meeting of the Ethics Commission and had raised the issue of staffing the Task Force, however, he did not make a formal request.

Item 5. Discussion and initial planning of sunshine forum
McQuarters reported that Ramirez has agreed to plan a forum but he needs help. Members discussed various aspects of the proposed forum including timing (suggested late spring, early summer); intended audience (various suggestions were made including Department Heads and Commissioners, Commission Secretary's, persons designed as responders to public information requests in each department, and/or the people on the front lines); and issues for discussion (one suggestion was to deal with issues that are difficult such as requests for documents, immediate disclosure, person with designated responsibility). Basich and Brugmann offered to work with Ramirez. Public Comment was made by Roberta Caravelli. She supported the forum and

recommended that the Task Force develop and supply written materials on specific subjects. A copy of her detailed suggestions was provided to Ramirez.

6. Motion to recommend to the Board of Supervisors a Sunshine Ordinance amendment on city contract negotiations and disclosure of related documentary information.
As discussion of this item began, McQuarters briefly interrupted the meeting to request that members allow a recess so that a photographer from City Search who was present could take photographs of the Task Force as a whole and its individual members. He was asked to come back to take the photographs at the next meeting.

Members discussed the draft amendment that had been prepared by the Deputy City Attorney. Planthold questioned whether it was practical for the city attorney to prepare summaries during the course of negotiations. Olsen stated that some of the practical considerations raised by the City Attorney are valid. Brugmann clarified that the intent is to provide timely disclosure in large sole source contracts like TCI/Viacom, PG&E, and the Giants. He suggested continuing the matter and coming back with amendments. Deputy City Attorney Giorgi offered that the draft is on her computer and could be easily changed. She voiced her willingness to work with the committee to develop the legislation that they want. Hestor suggested that the focus be narrowed to not include any personal service contracts and to focus on a threshold determined by a specific dollar amount. Pilpel suggested "a million dollars or ten years" as a possible threshold. Planthold questioned whether personal service contracts should be excluded and cited an example of a past administration that had let out $2 billion in personal service contracts. Public Comment: Bill Hale spoke against excluding smaller contracts. The item was continued to the next meeting.

7. Consideration of complaint of Eladio J. Ballestas, regarding the City Attorney's Office
Ballestas informed the Task Force that the only complaint that had been resolved was the issue of the four boxes being held by Deputy City Attorney Leslie Trugner and that he had still not actually seen them but was scheduled to do so the next day; his complaints against the Supervisors, Office of Community Development, Office of Housing, and Deputy City Attorney Ackerman were not resolved. He also stated that it is now the policy of the City Attorney's office that all documents requests must go through the City Attorney's office. Members questioned Ballestas, Deputy City Attorney Giorgi, and Clerk Dunn regarding the status of the complaints. Dunn reported that the following Supervisors had responded (Ammiano, 1/8; Alioto, 1/3; Leal, 12/31; Tang, ½; Kaufman, 1/8; and Bierman (by phone), 1/7). Giorgi was not certain as to what had been done by past Deputy City Attorneys, however she did state that it is not the policy of her office to require that all document requests go through them. Brugmann reported that the SF Bay Guardian had through their attorney also asked to see the documents; Daniel Zoll of the SFBG reported that he was scheduled to meet with Trugner the next day. Giorgi offered to check on the status of the other complaints and report back at the next meeting. Public Comment: James Chaffee reminded the Task Force that the City Attorney is still claiming that they might bill for time related to gathering documents and that this is an issue that needs to be dealt with.

Public Comment on Items Not on the Agenda (heard at 5:ll PM)
Lurilla Harris testified that in the time the Task Force took to discuss the photographer, he could have taken the photos. Roberta Caravelli testified that she has problems with the boilerplate being used on city agenda's, and that to say "discussion and possible action" is not an adequate description. She requested that the Task Force write an educating memo on this subject to

Departments. James Chaffee reported that he and Gillespe have sued the City because the City Attorney has encouraged the Library not to comply with the State Attorney General's ruling related to sub-committee meetings that have a quorum of the Commission present. He requested that the Task Force include this item on their February agenda.

8. Consideration of recommendation to the Board of Supervisors that the Small Claims Court be given authority to hear sunshine complaints and to impose sanctions.
Task force members discussed whether or not this proposal is feasible. Hestor stated that attorneys are prohibited from appearing in SCC and the Court can only order that damages be paid. She suggested that it might be better to give the Ethics Commission authority. Olsen stated that he has acted as a pro-tem judge and that they don't have much time to deal with issues. Ramirez moved, Pilpel seconded a motion to request the City Attorney to prepare an opinion on the legality of expanding the role of the Small Claims Court to hear complaints on the Sunshine Ordinance. Public Comment: James Chaffee commented that in Contra Costa County a retired Superior court judge acts as an ombudsman to deal with these issues. Roberta Caravelli commented that this is a wonderful idea, that written guidelines are needed, and that sanctions should be specific and escalating. Bill Hale questioned what the appropriate sanctions might be and pointed out that what is important is getting the result. He suggested that the Task Force ask all departments for their written policies on public documents. The motion was adopted; Planthold voted "no".

9. Consideration of recommendation that entities store public records on an exempt/non-exempt basis.
Roberta Caravelli suggested that this should be a legislative change that would disallow city departments from charging for the time it takes to separate out exempt documents after a specified date. Members discussed whether or not this would be practical, and if so, how it could be implemented. It was suggested that it could be a topic to be discussed with City departments at the proposed upcoming forum. Ramirez and Planthold left the meeting at 5:50. Public Comment: Bill Hale commented that it may be an unreasonable cost for a limited return. Sutley left the meeting at 5:53.

10. Setting of the agenda for the next regular meeting.
- Hestor requested that Caravelli's complaint against BBI be placed on the agenda if it is still unresolved.
- Taylor expressed his general concern about the lack of meaningful descriptions of action items on agendas and the need to inform the public about what the action may be. He suggested that this be on the agenda for the February meeting or at some other time.
- McQuarters reminded members that an annual report must be filed and should be placed on the agenda to discuss.

11. Adjournment
McQuarters suggested that the motion to adjourn be done so in the memory of Martin Luther King, Jr. and Landis Whistler. Pilpel so moved and the meeting was adjourned at 5:59 PM.

Respectfully submitted by Marilyn Hope Smulyan

Sunshine Ordinance Task Force

City and County of San Francisco

DOCUMENTS DEPT.
FEB 18 1997
SAN FRANCISCO
PUBLIC LIBRARY

NOTICE OF REGULAR MEETING AND AGENDA

Wednesday, February 19, 1997, 4:00pm
1660 Mission Street, Conference Room 2001

1. Roll call.
2. Adoption of minutes - regular meetings of October 16, 1996, January 15, 1997.
3. Report of the Clerk on communications to the Task Force.
4. Comments and questions by Task Force members.

MAIN AGENDA

5. Hearing on 11/13/96 complaint of Roberta Caravelli, regarding agenda violations by the Building Inspection Commission.
6. Consideration of: a) Sunshine Ordinance amendment on city contract negotiations involving sole-source bidders (continued from 8/21/96 meeting); b) request to survey city departments on sole-source bidders.
7. Discussion and possible action on City Attorney opinion regarding the legality of expanding the role of the Small Claims Court to hear Sunshine Ordinance complaints.
8. Discussion of Annual Report to the Board of Supervisors.
9. Discussion and ongoing planning of Sunshine Forum (possible action item).
10. Motion to request City Attorney draft Sunshine Ordinance amendment strengthening language pertaining to "closed sessions".

END OF MAIN AGENDA

11. Setting of the agenda for the next regular meeting.
12. Adjournment.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA
(This will be the first new item of business after 5:00pm. There will also be an opportunity for members of the public to speak to each MAIN AGENDA item.)

401 Van Ness Avenue • Room 402 • San Francisco CA 94102
(415) 554 - 4851 Fax (415) 554 - 4849

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554–4852.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J–Church, L–Taraval, K–Ingleside, M–Ocean View and N–Judah. The 14–Mission, 14–Mission–Limited, and 42–Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415 923–6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 415–558–6164 at least 72 hours in advance of the meeting.

SF
388
2
1/19/97
mp

DOCUMENTS DEPT.
APR 22 1997
SAN FRANCISCO
PUBLIC LIBRARY

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, February 19, 1997

Please note: all actions that were adopted by the Task Force are underlined.

The regular monthly meeting of the Sunshine Ordinance Task Force was called to order by Chair Byron McQuarters at 4:07 P.M. on Wednesday, February 19, 1997.

Item 1. Roll Call
Members present: Zoran Basich (4:10), Charlotte Berk, Bruce Brugmann, Sue Hestor, Byron McQuarters, Karl Olson (4:11), David Pilpel (4:27), Robert Planthold, Enrique Ramirez, Marilyn Smulyan, Nancy Sutley (4:23).
Ex-officio members present: Georgia Dunn, John Taylor
Also present: Deputy City Attorney Lori Giorgi

Item 2. Adoption of Minutes
Planthold moved, Berk seconded a motion to adopt the minutes of the January 15, 1997 meeting. Unanimously adopted. The October minutes were distributed to members. In order to allow members the opportunity to read them before adoption, they were continued to the March meeting.

Item 3. Report of the Clerk on Communications to the Task Force
Dunn presented a file containing the correspondence received since the last meeting, and it was circulated among the members.

Item 4. Comments and Questions by Task Force Members
McQuarters reported that Supervisor Kaufman, in response to concerns raised by the Task Force, had proposed a 30 day public review period for some legislation. He recommended that the Task Force review this proposal, its procedures, and how it has been applied at the next meeting. Hestor commented that with the reorganization of Board of Supervisors committees, it is difficult to understand how items are sent to committee; it does not appear to be related to the subject matter. She will monitor this situation and recommended that other Task Force members do the same. McQuarters reported that the Task Force had to be out of the meeting room by 6:00 PM because another hearing has been scheduled for that time. Planthold requested that members not use the fax number listed for him on the address sheet. Smulyan commented that the City Attorney's office has a video that provides a review of public meeting laws and rules for City Commissioners. Deputy City Attorney Giorgi volunteered to find out how to get a copy so the Task Force members can review it.

Item 5. Hearing on 11/13/96 complaint of Roberta Caravelli, regarding agenda violations by the Building Inspection Commission.
Caravelli presented a review of her complaint and requested that the Task Force send a letter to the Building Inspection Commission informing them that their action on 10/16/96 was a violation of Section 67.7(d) of the San Francisco Administrative Code and asking them to rescind it. .
This complaint is based on the allegation that the Commission acted illegally by taking an action

on an item that was not specified on the agenda. According to the Commission, the item was not an amendment to the code but part of a package of errors that were being addressed. Deputy City Attorney Giorgi reported her findings. She indicated that she had not found a violation of the code. She did, however, express a concern that the item could have been better described on the agenda. She has discussed this with Deputy City Attorney Dick who represents the Commission and she has agreed to work with Ms. Giorgi to make sure that items are more specific and clear in the future. Members discussed the complaint. It was pointed out that this is really part of a larger problem that needs to be addressed because many City agenda's do not adequately define actions that may be taken. Taylor pointed out that the Task Force's own agenda on this item does not indicate what action may be taken. The Chair asked for public comment. Mr. Chaffee stated that there is case law on this subject and that when departments comply with the law, it is only because members of the public have held them accountable. Ramirez suggested that the item be continued until the Task Force receives a written response from BBI as to whether the action constituted an amendment to the code or a correction of an error, and to explain the difference. Giorgi agreed to request a letter from BBI. McQuarters agreed to calendar the item for next month. Brugmann suggested that maybe the Task Force should write a guide on how to do a meaningful agenda.

6. Consideration of : a)Sunshine Ordinance amendment on city contract negotiations involving sole-source bidders (continued from 8/21/96); b)request to survey city departments on sole-source bidders.

McQuarters indicated that Brugmann would like to put off Part A, and to focus on Part B. Brugmann stated that this is a complicated issue and that people interested in this matter would like to get as much information as they can in order to determine department by department how much sole source contracting is going on. He moved and Planthold seconded a motion that the Task Force do a survey and send it out to City departments. Members discussed doing a survey and questioned who would do it given the lack of staff and how the terms would be defined. Brugmann volunteered that if the Task Force decides to go ahead, he will go to pro-bono attorneys and work with them and the City Attorney to draft it. Pilpel asked if it could include 10 years or $1 million as a threshold. Sutley suggested that some of this information may already be available at the Board of Supervisors, and Pilpel recollected that Supervisor Alioto had held a hearing on this issue in the past. McQuarters asked for public Comment. Mr. Partanski commented that he agreed there should be a threshold, either 10 years or $1 million. McQuarters recommended continuing item 6B to the next meeting and item 6A to the Call of the Chair.

Public Comment on Items not Appearing on the Agenda

Elaine Tanzman addressed the Task Force in regard to an unfulfilled Sunshine request she filed with the City Attorney's office on 1/26/97, regarding the cable settlement which was a labor agreement between United Public Employees and the City. She asked to see related communications about the disposition of grievances in the cable settlement, but has not been given any information. McQuarters encouraged her to file a formal complaint, and Deputy City Attorney Giorgi offered to talk with Deputy City Attorney Clayton who was involved with this issue. Reid Condon, representing a new organization "Communities United for Sexual Privacy," addressed the Task Force. They are considering whether or not it would be useful to file a complaint regarding the AIDS office at the Department of Public Health and their proposed regulation of sex clubs. James Chaffee made a few philosophical comments to the Task Force.

He urged members to attend other City board meetings and to insist on sunshine rights to find out what it is like to confront the barriers that the public must confront. Mr. Partanski informed members that in the next 6 to 8 weeks the US Commission on Reducing Government Secrecy will issue their report. He also recommended that the GAO office has a few reports that may be interesting; the revision of fee schedules, open access, and promoting open competition through access.

Item 7. Discussion and possible action on City Attorney opinion regarding the legality of expanding the role of the Small Claims Court to hear Sunshine Ordinance complaints.
Deputy City Attorney Giorgi reported that she had researched this issue and learned that the Board of Supervisors can fashion any remedy that they deem appropriate, but they don't have the power to identify which court would handle the remedy. According to Giorgi, if the Task Force wants to give people the ability to have declaratory relief, it would most likely go the Superior Court. If we want a monetary remedy, it would go to Small Claims Court if under $5,000, and to Muni Court if above. Brugmann wondered whether we could find the rights ombudsperson to hear cases, as is done in Contra Costa County. Hestor commented that an institutionalized ombudsman would be a good idea, but that going to court is not a good remedy -- people want the information, not monetary relief. She suggested that we are ignoring the obvious solution which is to get the Ethics Commission involved, however, they have some of the worst agendas in the city. Olsen commented that the benefit of Small Claims Court is informality and speed. Ramirez moved, Olsen seconded a motion to ask the City Attorney draft legislation recommending that the Board of Supervisors authorize a penalty in the amount of $50 a day, up to a maximum of $5,000, when a document is wrongfully withheld. There was no public comment. The motion failed with Ramirez, Olsen, Pilpel, and McQuarters voting "Yes" and Basich, Berk, Brugmann, Hestor, Planthold, Smulyan, and Sutley voting "No".

Item 8. Discussion of Annual Report to the Board of Supervisors
McQuarters reported that he had asked Smulyan to draft the Annual Report and she indicated that she would. Smulyan informed the Task Force that she would draft a report covering the following information for the past year; major accomplishments, major problems, and suggested areas of focus for the coming year. McQuarters asked for Public Comment. Ed Regan asked the Chair to give a brief statement of the goal of the Task Force. McQuarters did so and was thanked by Mr. Regan.

Item 9. Discussion and ongoing planning of Sunshine Forum
Ramirez reported that he and Olsen had met; Basich and Brugmann were not able to attend. They are interested in holding a forum for Department heads, commission heads, and employees responsible for implementation to discuss ways to improve educating people about the laws and to improve compliance. They are thinking of holding it in the Main Library or Hearst Theater, in April or May. The format would be a humor-like testing of respondents knowledge about the ordinance and compliance. There would also be a process for developing new procedures for departments and agencies to use. They also suggested publicizing the ordinance by having the public recommend agencies that have been exemplary in compliance. McQuarters commented that he would like to get the Board to compel departments to attend. Smulyan commented that she thought the forum should be focused on telling departments how to comply with the ordinance and providing written guidelines about compliance with various aspects, and she questioned whether this could be done in the time frame presented. Brugmann suggested that it

may be good to hold it on one of the anniversary's of the Task Force, maybe making it an annual Sunshine Day. McQuarters asked for Public Comment. Chaffee recommended that all members see the video prepared from the successful forum that the City Attorney's office had sponsored.

Item 10. Motion to request City Attorney to draft Sunshine Ordinance amendment strengthening language pertaining to "closed sessions".
Pilpel began to present his motion, however because it was almost 6:00 and people were waiting for use of the room, McQuarters recommended continuing it to the next meeting.

Item 11. Setting of the agenda for the next regular meeting
No new items were presented. Chaffee questioned the lack of public comment on this item.

Item 12. Adjournment
Planthold moved adjournment at 5:56 PM. Unanimously adopted.

Respectfully submitted by Marilyn Hope Smulyan, Secretary

Sunshine Ordinance Task Force

City and County of San Francisco

06
BF
388
1
3/19/97

NOTICE OF REGULAR MEETING AND AGENDA

Wednesday, March 19, 1997, 4:00pm
1660 Mission Street, Conference Room 2001

DOCUMENTS DEPT.
MAR 17 1997
SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call.
2. Adoption of Minutes - regular meetings of October 16, 1996, February 19, 1997.
3. Report of the Clerk on communications to the Task Force.
4. Comments and Questions by Task Force members.
5. Motion to request City Attorney draft Sunshine Ordinance amendment strengthening language pertaining to "closed sessions".
6. Follow up report on Roberta Caravelli complaint, regarding agenda violations by the Building Inspection Commission (possible action item).
7. Discussion and possible action on adopting uniform agenda rules for all policy bodies of city government.
8. Discussion and ongoing planning of Sunshine Forum (possible action item).
9. a. Discussion on Mayor Brown's comments on Sunshine Ordinance during his March 11, 1997 press conference. b. Motion to invite Mayor Brown to future Task Force meeting to discuss his concerns on the Sunshine Ordinance.
10. Setting of the Agenda for the next regular meeting.
11. Adjournment.

*****Public Comments on items not appearing on today's agenda. (This will be the first new item of business considered after 5:00pm. There will also be an opportunity for members of the public to speak to each Agenda item.)*****

401 Van Ness Avenue • Room 402 • San Francisco CA 94102
(415) 554 - 4851 Fax (415) 554 - 4849

****

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554–4852.

****

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J–Church, L–Taraval, K–Ingleside, M–Ocean View and N–Judah. The 14–Mission, 14–Mission–Limited, and 42–Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415 923–6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 415–558–6164 at least 72 hours in advance of the meeting.

DOCUMENTS DEPT.
APR 22 1997
SAN FRANCISCO
PUBLIC LIBRARY

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, March 19, 1997

Please note: all actions that were adopted by the Task Force are underlined.

The regular monthly meeting of the Sunshine Ordinance Task Force was called to order by Chair Byron McQuarters at 4:17 P.M. on Wednesday, March 19, 1997.

Item 1. Roll Call
Members present: Charlotte Berk, Sue Hestor, Byron McQuarters, David Pilpel, Robert Planthold, Marilyn Smulyan.
Ex-officio members present: Georgia Dunn, John Taylor
Members Absent: Zoran Basich, Bruce Brugmann (excused), Karl Olson (excused), Enrique Ramirez, Nancy Sutley
Also present: Deputy City Attorney Lori Giorgi

Item 2. Adoption of Minutes
Hestor moved, Berk seconded a motion to adopt the minutes of the October 16, 1996 minutes. Unanimously adopted. Planthold moved, Hestor seconded a motion to adopt the minutes of the February 19, 1997 meeting with the following two amendments as offered by Taylor:

Page 2, line 8, change "agenda's" to "agenda"
Page 2, item 6, add at the end of the last line "and there was no objection."

Unanimously adopted as amended. There was no public comment.

Item 3. Report of the Clerk on Communications to the Task Force
Dunn gave a report on new complaints:

- Doug Comstock (Committee to Stop the Giveaway) filed a complaint against the City Attorney. He has been given the requested information
- James Chaffee filed a complaint against the SOTF. It has been resolved and closed.
- Cheryl Jackson filed a complaint against the Retirement Board. The City Attorney is working on it.
- Barbara Thompson filed a complaint against the Library. It is pending.

Dunn also circulated the file containing all correspondence received since the last meeting. Pilpel requested that in the future Dunn provide a copy of the list and status of complaints for each member of the Task Force. She indicated that she would do so. There was no public comment.

Item 4. Comments and Questions by Task Force Members
McQuarters reported that the Chaffee complaint against the SOFT was due to the fact that the Task Force had changed its way of handling public comment. The Task Force used to take comment on all items (including roll call, adoption of minutes, setting of the agenda, etc.). At the request of a member of the Task Force this practice was changed a few months ago so that comment was only taken on "action items" and during the general Public Comment period. Chaffee filed a complaint against this change and the City Attorney agreed that the Task Force must take public comment on each item on the agenda, regardless of whether there is an action taken. The Task Force will comply with this ruling.

McQuarters thanked Pilpel and Basich for getting notice of the Task Force meeting in the Independent. He also reported that Board President Barbara Kaufman has agreed to attend the next meeting of the Task Force to discuss her change in the Rules of the Board that now requires a 30 day review period. She will appear at 5:30 PM. McQuarters also mentioned that the Board has a new vacation policy that cancels Board meetings for seven weeks of the year, three weeks in July and all meetings in December. Planthold suggested that it may be helpful if Task Force members send questions that they may have for President Kaufman to McQuarters, who could then pass them on to her office so she is prepared to respond. McQuarters agreed to do this with the understanding that other questions will also be allowed. McQuarters reminded members that the Task Force elections will be held in May. He announced that April will be his last meeting as Chair and that he will be submitting his resignation shortly after his term expires, after having served on the Task Force for three years. There was no public comment.

Item 5. Motion to request City Attorney draft Sunshine Ordinance amendment strengthening language pertaining to "closed sessions."
Pilpel moved, Planthold seconded a motion to request the City Attorney to draft legislation related to closed sessions that would require the following: 1)For each item being considered in a closed session, the time it began and ended and the names of everyone present should be recorded in the minutes, and 2)all audio tapes made during closed sessions should be forwarded to the Ethics Commission 30 days following the meeting and held for a minimum of 5 years in case an action is brought regarding a violations that occurred during a closed session. Members discussed the motion and Deputy City Attorney Giorgi raised a number of issues including the following: in the case of privileged information, giving the tapes to another entity would waive the privilege; and having the Ethics Commission involved would not work because in the case of a challenge, the only body legally allowed to listen to the tapes would the courts. McQuarters suggested that the item should be continued to the call of the chair and no one disagreed. Public Comment was held and Chaffee complained that the members of the Task Force has acted before calling for public comment.

Public Comment on Items Not Appearing on the Agenda
Partanski brought a copy of the new federal report released by the Commission on Reducing Government Secrecy and circulated it among Task Force members. Chaffee summarized three lawsuits that he had filed against the Library Commission related to secret meetings.

Item 6. Follow up report on Roberta Caravelli complaint, regarding agenda violations by the Building Inspection Commission.
Members were provided with a copy of a letter written by Deputy City Attorney Ilene Dick, responding to the Task Force request for a clarification about the BBI's actions that were the subject of the Caravelli complaint. The letter clarified that there were amendments proposed to the code, but that the amendments were correcting errors in the original legislation that was sent to the Board for adoption. Hestor stated that the threshold is whether or not there was an opportunity for the public to testify on the proposed amendments. Giorgi responded that at the next meeting of the BBI Commission, the agenda did ask for public comment on all of the items. Pilpel requested that Caravelli be sent a copy of the letter. Dunn reported that Caravelli had called and requested that a tape of this meeting be sent to her. Dunn will send a copy of the tape and the letter. There was no public comment.

Item 7. Discussion and possible action on adopting uniform agenda rules for all policy bodies of city government.
Members discussed the lack of conformity among agendas. It was pointed out that even the Task Force has problems with its agendas, specifically in the naming of the type of action that may take place when members don't know before hearing a case what action may be appropriate. Pilpel suggested that in addition to improving the description of items, each agenda should have a cover sheet that indicates the full name of each member of the commission, the department head and an address and a phone number to call if you have any question. Planthold moved, Hestor seconded a motion to authorize Pilpel to develop suggestions for improving agenda and to seek attendance on behalf of the Task Force at the meetings regularly held by City commission secretaries in which they try to help each other out with these issues. There was no public comment. The motion passed unanimously.

Item 8. Discussion and ongoing planning of Sunshine Forum.
McQuarters asked Deputy City Attorney Giorgi if she will be able to help draft information to give out at the forum. She responded that she will. It was pointed out that there is already a booklet that was developed for the forum that was sponsored by the Mayor and the City Attorney's office. The question of copying materials was raised, Giorgi responded that her office has no staff to copy, Dunn responded that her office is also short of manpower. It was suggested that Dunn inquire as to whether there is any money in the budget from the City Administrator's office for copying for the forum, and Giorgi suggested that maybe the Board of Supervisors could make the copies available.

Item 9. a. Discussion on Mayor Brown's comments on Sunshine Ordinance during his March 11, 1997 press conference. b. Motion to invite Mayor Brown to future Task Force meeting to discuss his concerns on the Sunshine Ordinance.
McQuarters informed members that Mayor Brown had attacked the Sunshine Ordinance at his press conference and members discussed how to best handle this situation. During public comment Chaffee commented that Mayor Brown had shown a sophisticated understanding of the need for these laws in the forum that was held for city commissioners and department heads. It was pointed out that the Mayor has a habit of making controversial statements about a lot of things and that one such statement is not necessarily a reason to create a confrontation. It was decided not to take any action at this time.

Item 10. Setting of the Agenda for the next regular meeting.
Items to be included:
- uniform agenda guidelines
- the annual report

There was no public comment.

Item 11. Adjournment
Planthold moved, Pilpel seconded a motion for adjournment at 5:47 PM. There was no public comment. Motion unanimously adopted.

SF
388
1
1/16/97

Sunshine Ordinance Task Force

City and County of San Francisco

NOTICE OF REGULAR MEETING AND AGENDA

WEDNESDAY, APRIL 16, 1997, 4:00pm
1660 MISSION STREET, CONFERENCE ROOM 2001

DOCUMENTS DEPT.

APR 22 1997

SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call.
2. Adoption of Minutes - regular meeting of March 19, 1997.
3. Report of the Clerk on Communications to the Task Force.
4. Comments and Questions by Task Force members.
5. Motion to recommend to the Board of Supervisors, a sunshine ordinance amendment regarding disclosure of evaluation forms and names of evaluators in city contract selection or bidding procedures (continued from 10/16/96 meeting).
6. Motion to send survey to city departments on city awarded contracts which were not subject to competitive bidding.
7. Further discussion on adopting uniform agenda guidelines for all policy bodies of city government.
8. Discussion of annual report to the Board of Supervisors.
9. Discussion of the Board of Supervisors' 30-day public review period. (Board of Supervisors' President Barbara Kaufman is invited to speak to this issue).
10. Setting of the Agenda for the next regular meeting.
11. Adjournment.

****PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA. (This will be the first new item of business considered after 5:00pm. There will also be an opportunity for members of the public to speak to each Agenda item.)****

401 Van Ness Avenue • Room 402 • San Francisco CA 94102
(415) 554 - 4851 Fax (415) 554 - 4849

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554–4852.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J–Church, L–Taraval, K–Ingleside, M–Ocean View and N–Judah. The 14–Mission, 14–Mission–Limited, and 42–Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415 923–6142 Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 415–558–6164 at least 72 hours in advance of the meeting.

DOCUMENTS DEPT.

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, April 16, 1997

Please note: all actions that were adopted by the Task Force are underlined.

The regular monthly meeting of the Sunshine Ordinance Task Force was called to order by Chair Byron McQuarters at 4:07 P.M. on Wednesday, April 16, 1997.

Item 1. Roll Call
Members present: Charlotte Berk, Bruce Brugmann, Sue Hestor, Byron McQuarters, David Pilpel (4:15), Robert Planthold, Enrique Ramirez, Marilyn Smulyan, Nancy Sutley.
Ex-officio members present: Georgia Dunn, John Taylor
Members Absent: Zoran Basich, Karl Olson
Also present: Deputy City Attorney Lori Giorgi

Smulyan noted for the record that she could not get the tape recorder to record.

Item 2. Adoption of Minutes
Hestor presented an amendment to the minutes, to correct the spelling of the SOTF (from SOFT) on Page 1, Item 4, Line 1 of the minutes. A motion to adopt the minutes of the March 19, 1997 meeting as amended was unanimously adopted.

Item 3. Report of the Clerk on Communications to the Task Force
Dunn provided members with a written report on new complaints titled "Index.". It is attached.

Item 4. Comments and Questions by Task Force Members
Hestor notified members that she will be submitting her resignation as a member of the SOTF tomorrow because of conflicts with other meetings scheduled at the same time as the Task Force. McQuarters reminded members that this is his last month and that elections for new officers will be held at the next meeting. He thanked Clerk Georgia Dunn and Deputy City Attorney Lori Giorgi for their hard work. Pilpel thanked Joseph Partanski for bringing the government secrecy report to the attention of the Task Force at the previous meeting.

Item 5. Motion to recommend to the Board of Supervisors a Sunshine Ordinance amendment regarding disclosure of evaluation forms and names of evaluators in city contract selection or bidding procedures.
Brugmann presented members with language to substitute for the language drafted by the City Attorney, the major difference between his version and the City Attorney's was that his made the information available to the public as soon as the review or evaluation has been completed, whereas the language drafted by the City Attorney made it available after a contract has been awarded. Members discussed the proposals. Smulyan indicated that she did not support Brugmann's language. Having served as an evaluator, she felt that this put evaluators into a very uncomfortable position. Deputy City Attorney Giorgi noted that she has heard the allegation that scorers could be pressured to make changes if the information is released before a contract has been awarded and it may be difficult to find raters to serve if they are submitted to pressure. Other

members spoke in support, Brugmann noted that if an evaluator can't take the heat, someone else should do it. Brugmann moved and Pilpel seconded the following amendment to be included in Section 1, Chapter 67, Article III of the San Francisco Administrative Code, Section 67.24 subsection (e):

> Immediately after any review or evaluation or rating of responses to requests for proposals have been completed, evaluation forms and score sheets and any other documents completed by persons in the contract evaluation or contractor selection process shall be available for public inspection. The names of raters or evaluators along with their ratings, comments, score sheets or comments on related documents are to be made immediately available after the review or evaluation of a request for proposal has been completed.

During Public Comment James Chaffee spoke in favor of the amendment. The amendment passed with Berk, Brugmann, Hestor, Pilpel, Planthold, McQuarters, Ramirez voting "YES" and Smulyan and Sutley voting "No."

Deputy City Attorney Giorgi left the meeting at 4:40 because she was not feeling well.

Item 6. Motion to send survey to city departments on city awarded contracts which were not subject to competitive bidding.

Brugmann presented his draft of a survey and suggested that it could be either sent to all departments, or to two key departments, like the Purchaser and the PUC, as a test. Members discussed the survey, whether or not it would be best to do a selective test, which departments to include, and what the dollar threshold should be. Brugmann moved and Berk seconded a motion to send the survey to the Purchaser and the Building Inspection Department, with a threshold of $5,000 over the life of the contract. Members also suggested including the date when the contract was let, attaching a form for people to use to make the information more usable, and clarifying that it is only for "sole source" contracts, not all contracts. It was noted that Supervisor Alioto had made a similar inquiry a few years ago for larger contracts and held a hearing on the results; it may be useful to review that Board file. There was no public comment. The motion passed unanimously.

5:00 PM Public Comment on Items not on the Agenda

Bill Hale commented that he has not been able to get a copy of the pre-litigation claim against the architects for the new Main Library. McQuarters suggested that he file a formal complaint, which he then did.

Item 7. Further Discussion on adopting uniform agenda guidelines for all policy bodies of city government.

Pilpel presented a draft of guidelines and reported that there has not been a meeting of commission secretary's for him to attend, but he has talked with them and will be informed when they meet again. Most of the discussion focused on how to provide a better description of what is being contemplated when drafting an agenda item. Taylor noted that the Board's agenda are very clear because they come out of a committee where the action has been clearly identified. When a body is first discussing a problem this is not always possible because you don't know what the solution may be until the discussion takes place. Planthold noted problems with a Library Commission agenda that was a committee meeting notice, but noted that it could also be a

meeting of the whole since it was possible that one more Commissioner may be present. Planthold noted that this agenda could result in on-the-spot adoption. Hestor suggested that in case driven agendas there should be an identification of the staff in charge, and added that the Planning Commission agendas are very clear. Members suggested that it would be good to provide some good and bad examples of agenda items and Planthold suggested that the Task Force draft a model format for an "ideal" department and give examples of different types of items. Pilpel agreed to continue working on this. Public Comment: James Chaffee stated that people have different understandings of what specificity means. He cited examples from the Library Commission - They went ahead and discussed an item called "Key Challenges," which included budget and other major issues, but they were advised by the City Attorney not to discuss an item identified as "Staffing issues at the Main Library" because it was not specific enough. An unidentified member of the public suggested that Hastings Law School should be able to provide model agendas.

Item 8. Discussion of Annual Report to the Board of Supervisors
McQuarters informed the Task Force that Smulyan will not be writing the Annual Report. Smulyan reported that it ended up being much more complicated than she had anticipated. She had planned to base it on the log of complaints filed that she thought was being kept by the Clerk. But she has learned that there is no actual log, and no records at all from when Lerner was Clerk to the Committee other than what appears in the minutes of meetings. Dunn reported that she has notes from all contacts, beginning in January when she took over and suggested that maybe the report should be more general, because the record keeping for each half of the year is not really comparable. Members suggested that maybe the report should be more a report on the "state of the Sunshine Ordinance". Pilpel and Planthold agreed to draft the report.

Item 9. Discussion of the Board of Supervisors' 30-day public review period.
Board President Barbara Kaufman attended the meeting and presented her views about the new 30 day public review rule and how it has been applied. She drafted the rule because the Board has been criticized for rushing things though in the past and not giving enough time for reaction. She worked with Liz Hill a Legislative Analyst in Sacramento and got the idea for the rule from requirements in the State Constitution related to the passage of state legislation. Kaufman noted that it's a new process and has taken a while for the Supervisors and departments to get adjusted to using it. The objective is to require a 30 day review period for major public policy issues. The determination of whether or not something is a "major public policy issue" is first noted by Clerk of the Board, John Taylor. Kaufman than either agrees or disagrees. Usually they both agree (if they don't, Kaufman makes the final decision). Sometimes they have to waive the requirement, particularly if there is a deadline.

Members of the Task Force asked questions, and President Kaufman provided the following responses. The rule does not apply to resolutions that "urge" departments to do something. In the past few months it has been waived for a few major issues, including: Bart to the Airport because there was a contract that had been agreed to by the Mayor, BART, and the Airport that had a 20 day time limit. The 49'ers because the legislation was new and there was a ballot related deadline that had to be met. This should not happen in the November election or with any other ballot measure.

Some of the concerns voiced by members of the Task Force included (McQuarters) this puts too

much power in the hands of one person; (Brugmann) has a problem with the exemption for resolutions "urging," this exempts the proposed news rack ordinance, and he would like to see what the State exemptions are; (Planthold) the information given to the public on the back of the Board calendar listing the legislation pending under the 30 day rule is less than that given on normal agenda items.

During Public Comment an unidentified woman commented that the decision shouldn't be made by two people, there should be more input. Joseph Partanski asked when the public actually gets access to reports provided to members of a committee. The discussion ended with Taylor noting that in his experience, application of the 30 day rule is not based on political considerations. He offered to look into any future concerns about its application.

Item 10. Setting the Agenda for the next regular meeting.
The following items will be placed on the agenda:

- Election of Task Force officers
- Adoption of the Annual Report
- Further discussion and planning of Sunshine Forum
- Further discussion of uniform agenda guidelines

It was noted that because of the resignation of the Chair and Vice-chair both of which will take place before the next meeting, Smulyan will have to conduct the meeting until new officers are elected. The new Chair will take over as soon as elected.

Item 11. Adjournment
At 6:16 PM, Brugmann moved, Planthold seconded a motion to adjourn in honor and grateful recognition of Byron McQuarters and Sue Hestor. Unanimously adopted.

Minutes respectfully submitted by Marilyn Hope Smulyan

Sunshine Ordinance Task Force

City and County of San Francisco

NOTICE of REGULAR MEETING and AGENDA

Wednesday, May 21, 1997, 4:00pm
1660 Mission Street, Conference Room 2001

DOCUMENTS DEPT.
MAY 15 1997
SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call.
2. Election of new Task Force officers for the May 1997 - May 1998 term: Chair, Vice-Chair, Secretary, Media Liaison.
3. Adoption of Minutes - regular meeting of April 16, 1997.
4. Report of the Clerk on Communications to the Task Force.
5. Comments and Questions by Task Force members.
6. Motion to request Board of Supervisors fill Task Force vacancies.
7. Hearing and action on March 10, 1997 complaint of Barbara J. Thomson, regarding the San Francisco Law Library.
8. a. Motion to establish August 18, 1997 as date of Sunshine Forum. b. Motion to request Board of Supervisors proclaim August 18, 1997 as Sunshine Ordinance Day, and require that city departments send representatives to the forum.
9. Adoption of Annual Report to the Board of Supervisors.
10. Further discussion on adopting uniform agenda guidelines.
11. Setting of the Agenda for the next regular meeting.
12. Adjournment.

*******PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA.*******

(This will be the first new item of business considered after 5:00pm. There will also be an opportunity for members of the public to speak to each Agenda item.)

401 Van Ness Avenue • Room 402 • San Francisco CA 94102
(415) 554 - 4851 Fax (415) 554 - 4849

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554–4852.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J–Church, L–Taraval, K–Ingleside, M–Ocean View and N–Judah. The 14–Mission, 14–Mission–Limited, and 42–Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415 923–6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 415–558–6164 at least 72 hours in advance of the meeting.

DOCUMENTS DEPT.

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, May 21, 1997

Please note: all actions that were adopted by the Task Force are underlined.

The regular monthly meeting of the Sunshine Ordinance Task Force was called to order by Secretary Marilyn Smulyan at 4:18 P.M., on Wednesday, May 21, 1997. Smulyan announced that as the highest ranking officer (the previous Chair Byron McQuarters and Vice-chair Sue Hestor announced their resignations at the last meeting) she would conduct the meeting until a new chair was elected.

Item 1. Roll Call
Members present: Zoran Basich, Charlotte Berk, Bruce Brugmann (4:27), Karl Olsen (4:25), David Pilpel, Robert Planthold, Enrique Ramirez, Marilyn Smulyan, Nancy Sutley.
Ex-officio members present: Georgia Dunn
Ex-officio members absent: John Taylor
Also present: Deputy City Attorney Lori Giorgi

Item 2. Election of new Task Force officers for the term of May 1997 through May 1998. Pilpel nominated Planthold for the position of Chair, Berk seconded. There were no other nominations. Adopted unanimously. After the vote for Chair, Smulyan turned the meeting over to Planthold who then continued with the election. Berk nominated Pilpel for the position of Vice-chair, Ramirez seconded. There were no other nominations. Adopted unanimously. Berk nominated Smulyan for the position of Secretary, Pilpel seconded. Adopted unanimously. Basich volunteered to serve as Media Liaison, Smulyan seconded. Adopted unanimously. There was no public comment on any of the nominations.

Item 3. Adoption of Minutes
Two typographic errors were corrected: Page 3, line 3, the words "case driven" were hyphenated (case-driven); and Page 3, Item 9, Line 3, the word "though" was changed to "through." Pilpel made a motion to approve the minutes as corrected, Ramirez seconded. Adopted unanimously.

Item 4. Report of the Clerk on Communications to the Task Force
Dunn provided members with a written report on new complaints and correspondence received during the past month titled "Index." She reported that she received a letter from the Law Librarian indicating her inability to attend today's meeting (Item 7 on the agenda). Members were provided with a copy of the letter. A file containing all incoming complaints and correspondence was circulated among the members.

Item 5. Comments and Questions by Task Force Members
Brugmann commented that he was concerned about the lack of resolution of the complaint filed by Marc Norton regarding lack of access to records of the MFAC. Members agreed to set a hearing on the complaint for the next meeting, inviting both Marc Norton and representative from the Mayor's office to attend. Pilpel suggested that the Clerk mail to members copies of correspondence on this issue dated May 15, 1996, March 24, 1997, and April 25, 1997.

Pilpel also suggested that Hestor and McQuarters be contacted and asked to provide to the Task Force any SOTF documents that they may have. Pilpel agreed to make the contacts. He also thanked Deputy City Attorney Giorgi for circulating the Attorney General and Superior Court opinions related to Mr. Gillespie and Chaffee's complaint against the Library Commission for having a Board member attend a meeting of a standing committee that resulted in a quorum of the full Commission being present. Giorgi also provided a copy of Senator Kopp's SB 138 that would amend this provision in the Brown Act and allow additional members of a body to attend open public meetings provided that they do not participate in the proceedings.

During Public Comment Mr Chaffee informed the Task Force that it is his understanding that Mr. Norton was in contact with the Secretary of the MFAC before it was dissolved and told that he could have access to the records, which the Mayor's office is now claiming they do not have. Mr. Chaffee also commented on the legal opinions regarding the Library. He questioned why the Library is appealing the decision when there is corrective legislation before the State legislature. It is his opinion that it is punitive. He also stated that MFAC was involved in the committee overseeing the audit of the Library.

Item 6. Motion to request Board of Supervisors to fill Task Force vacancies
Planthold asked whether the Task Force should request the Board of Supervisors to fill the positions vacated by Hestor and McQuarters. Members commented that a motion is not necessary; this is a process that happens automatically once the Board receives the resignation letters. Olsen announced that because of the pressures of starting his own law practice, he no longer has sufficient time to serve on the Task Force and will be sending in his resignation. Planthold asked that resigning members send a copy of their letter of resignation to the Task Force so we can be informed when they actually do resign. During Public Comment David Watkins introduced himself and informed the Task Force that he has put in an application to serve on the Task Force.

Item 7. Hearing and action on March 10, 1997 complaint of Barbara J. Thomson regarding the San Francisco Law Library
Ms. Thomson presented her complaint to the Task Force. She began with a complaint about the process of filing the complaint. She said that she originally called the Clerk before the March meeting indicating that she wanted to file a complaint in time to have it placed on the March agenda. She was not made aware that before being placed on the agenda, it would be given to the Deputy City Attorney for attempted resolution. According to Ms. Thompson it was finally placed on the agenda for this meeting at the request of McQuarters. It is her opinion that the process is untimely and resulted in aborting her opportunity to review the documents that she requested.

Ms. Thomson described her complaint. According to Ms. Thomson, after being told that she could review microfilm records related to the holdings of the Law Library, she was informed that they were no longer presently available because they had been turned over to the District Attorney for use in a criminal prosecution. She also informed the Task Force that although Librarian Bell has tried to connect her request with a criminal case, she is not an attorney. She is interested in the records because she wants to know what has happened to some of the Law Library's rare books. She requested that the Task Force send a letter to the President of the Trustees of the Law Library requesting that the materials be made available.

Task Force members asked questions and discussed the case, including questions about whether or not the Law Library is a State or a City entity. Pilpel moved that the Task Force send a letter to the President of the Board of Trustees, with copies to the members of the Board and Librarian Bell and Ms. Thomson, noting the complaint and requesting that it be attended to and that any information that has not been disclosed, be disclosed. Brugmann noted that the Law Librarian was out of line when she made insinuations about the request being related to a client. He pointed out that the law requires that everyone has access to records. During public comment Chaffee pointed out that the Law Library receives money from the Board of Supervisors. The motion was adopted unanimously.

Public Comment on Items Not on the Agenda
Chaffee commented about a letter in the Index about the Retirement Board. He pointed out that the writer was asked to leave a meeting of the Retirement Board, left as requested, and then was informed that her leaving was the reason for not meeting her request.

Item 8. A. Motion to establish August 18, 1997 as date of Sunshine Forum. B. Motion to request Board of Supervisors proclaim August 18, 1997 as Sunshine Ordinance Day, and require that city departments send representatives to the forum.
Ramirez reported that because of conflicting schedules his working group including Basich, Brugmann, and Olsen had not been able to meet; however, he wanted to go ahead and set the date for the forum and because August 18 is the anniversary date of the passage of the Sunshine Ordinance he made a motion to hold the forum on August 18, seconded by Brugmann. He added that he will make sure that the group meets before the next Task Force meeting and develop more specific plans for the forum. Members discussed the motion and raised concerns about the date including whether or not it provides enough time to prepare for an effective forum; concerns that August is usually a vacation month for many people; concerns that this is a Monday Board of Supervisors and Transportation Authority meeting day when many public officials have difficult schedules; and that this particular Monday is the day before ballot arguments are due for the November election and that is usually a hectic day for many people. Questions were also raised about who the audience should be for the forum, with Brugmann suggesting that maybe it should be for the public. During public comment Ms. Thomson suggested that August 18 be used to announce the forum and pass out brochures about Sunshine and to establish the actual forum about 60 days later. The motion failed unanimously. Ramirez moved a motion to request the Board of Supervisors to establish August 18, 1997 to be Sunshine Ordinance Day. Berk seconded. During public comment Chaffee noted that the Ordinance was signed on August 18, but that it went into effect on December 14. Passed unanimously. The working group was asked to plan an outline for the forum for the next meeting including who to target.

Item 9. Adoption of Annual Report to the Board of Supervisors
Planthold announced that he and Pilpel had thoughts about the report but nothing yet in text. Because it was getting late, everyone agreed to continue the item to the next meeting. There was no public comment.

Item 10. Further discussion on adopting uniform agenda guidelines.
Pilpel reported that he has nothing new this month and will have more to propose next month. The item was continued to the next meeting.

Item 11. Setting of the Agenda for the next regular meeting
The following items will appear on the next agenda:
- Marc Norton's MFAC complaint
- Uniform agenda guidelines (Item 10 continued)
- Annual report (Item 9 continued)
- Sunshine Forum (Item 8a continued)
- Issues raised in the letter in the Index regarding the Retirement Board (for discussion). The Clerk was asked to send this information out to members but responded that this was too much for her to do since it is not an actual complaint. She agreed to make the information available for a member to copy and mail out.

There was no public comment.

Item 12. Adjournment
Brugmann moved adjournment in honor of resigning member Karl Olsen at 6:00 PM. Berk seconded. Adopted unanimously.

Minutes respectfully submitted by Marilyn Hope Smulyan

Sunshine Ordinance Task Force

City and County of San Francisco

F
88
#1
6/18/97

NOTICE OF REGULAR MEETING AND AGENDA

WEDNESDAY, JUNE 18,1997, 4:00pm

1660 Mission Street, Conference Room 2001

DOCUMENTS DEPT.
JUN 12 1997
SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call.
2. Adoption of Minutes--regular meeting of May 21, 1997.
3. Report of the Clerk on Communications to the Task Force.
4. Comments and Questions by Task Force members.
5. Complaint by Marc Norton about MFAC records--Status of Archival Records Search
   ACTION: Inquiry or Request to continue searching.
6. Uniform Agendae Guidelines--suggestions from Task Force.
   ACTION: Adoption.
7. Sunshine Forum--Recommendations for:
   --Content (topical outline only)
   --Audience(s)
   --Public Outreach
   --Publicity
   ACTION: Adoption.
8. Annual Report--Review draft text.
   ACTION: Adoption.
9. Response to public attendance issues raised in Retirement Board's "retreat"/goals meeting.
   ACTION: Letter of inquiry or clarification.
10. Setting of the Agenda for the next regular meeting.
11. Adjournment.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA. (This will be the first new item of business considered after 5:00pm. There will also be an opportunity for members of the public to speak to each Agenda item.)

401 Van Ness Avenue, Room 402 - San Francisco CA 94102
(415) 554 - 4851 - (415) 554 - 4849 Fax

Sunshine Ordinance Task Force

City and County of San Francisco

RESCHEDULED

NOTICE OF REGULAR MEETING AND AGENDA

WEDNESDAY, JUNE ~~18~~ 25, 1997, 4:00pm

1660 Mission Street, Conference Room 2001

1. Roll Call.

2. Adoption of Minutes--regular meeting of May 21, 1997.

3. Report of the Clerk on Communications to the Task Force.

4. Comments and Questions by Task Force members.

5. Complaint by Marc Norton about MFAC records--Status of Archival Records Search
   ACTION: Inquiry or Request to continue searching.

6. Uniform Agendae Guidelines--suggestions from Task Force.
   ACTION: Adoption.

7. Sunshine Forum--Recommendations for:
   --Content (topical outline only)
   --Audience(s)
   --Public Outreach
   --Publicity
   ACTION: Adoption.

8. Annual Report--Review draft text.
   ACTION: Adoption.

9. Response to public attendance issues raised in Retirement Board's "retreat"/goals meeting.
   ACTION: Letter of inquiry or clarification.

10. Setting of the Agenda for the next regular meeting.

11. Adjournment.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA. (This will be the first new item of business considered after 5:00pm. There will also be an opportunity for members of the public to speak to each Agenda item.)

DOCUMENTS DEPT.

JUN 23 1997

SAN FRANCISCO
PUBLIC LIBRARY

401 Van Ness Avenue, Room 402 - San Francisco CA 94102
(415) 554 - 4851 - (415) 554 - 4849 Fax

SUNSHINE ORDINANCE TASK FORCE

June 25, 1997

The Minutes of this meeting are missing.

San Francisco Public Library
Government Information Center

Sunshine Ordinance Task Force

City and County of San Francisco

NOTICE OF REGULAR MEETING AND AGENDA

WEDNESDAY, JULY 16, 1997, 4:00pm

1660 Mission Street, Conference Room 2001

DOCUMENTS DEPT.

JUL 10 1997

SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call.
2. Adoption of Minutes--regular meeting of June 18, 1997.
3. Report of the Clerk on Communications to the Task Force.
4. Comments and Questions by Task Force members.
5. Complaint by Marc Norton about MFAC records--Status of Archival Records Search
   ACTION: Inquiry or Request to continue searching.
6. Uniform Agendae Guidelines--suggestions from Task Force.
   ACTION: Adoption.
7. Sunshine Forum--Recommendations for:
   --Content (topical outline only)
   --Audience(s)
   --Public Outreach
   --Publicity
   ACTION: Adoption.
8. Annual Report--Review draft text.
   ACTION: Adoption.
9. Response to public attendance issues raised in Retirement Board's "retreat"/goals meeting.
   ACTION: Letter of inquiry or clarification.
10. OPTIONS FOR CONSISTENT ADMINISTRATIVE SUPPORT TO S.O.T.F.
11. Setting of the Agenda for the next regular meeting.
12. Adjournment.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA. (This will be the first new item of business considered after 5:00pm. There will also be an opportunity for members of the public to speak to each Agenda item.)

401 Van Ness Avenue • Room 402 • San Francisco CA 94102
(415) 554 - 4851 Fax (415) 554 - 4849

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554–4852.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J–Church, L–Taraval, K–Ingleside, M–Ocean View and N–Judah. The 14–Mission, 14–Mission–Limited, and 42–Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415 923–6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 415–558–6164 at least 72 hours in advance of the meeting.

DOCUMENTS DEPT

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, July 16, 1997

Please note: all actions that were adopted by the Task Force are underlined.

The regular monthly meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, at 4:10 PM, on Wednesday, July 16, 1997.

Item 1. Roll Call
Members present: Zoran Basich, Charlotte Berk (4:26), Bruce Brugmann, David Pilpel (4:22), Robert Planthold, Enrique Ramirez, Marilyn Smulyan, David Watkins.
Ex-officio members present: Georgia Dunn and John Taylor
Members absent: Nancy Sutley
Others absent: Deputy City Attorney Lori Giorgi

Item 2. Adoption of Minutes
Ramirez offered two corrections to the minutes. Page 2, under Item 7, line 2: it was Byron McQuarters who was present at the meeting, not Brugmann. Also a typographical error on the 7th line from the bottom of the page was corrected. It should read: all City officials had to attend. Ramirez moved, Basich seconded the adoption of the minutes of the June 18 and June 25, 1997 meetings as amended. There was no public comment. Adopted unanimously.

Item 3. Report of the Clerk on Communications to the Task Force
Dunn reported that Deputy City Attorney Giorgi could not attend because of a medical appointment. Giorgi will be reporting to the Task Force on the Steve Williams case at the August meeting. She also asked Dunn to report that Buck Delvanthal will be happy to speak on the Sunshine Ordinance at the upcoming forum. Dunn provided members with a list of correspondence received titled "Index," and the file of correspondence received was circulated among the members.

Item 4. Comments and Questions by Task Force members
Brugmann noted that the sole source surveys have been returned and asked Dunn to send a copy to all members and to have it placed on the agenda at the next meeting.

Item 5. Complaint by Marc Norton about MFAC records -- Status of Archival Records Search
Norton explained his complaint. The Mayor's Fiscal Advisory Committee (MFAC) has existed since the Moscone administration. After the Sunshine Ordinance went into effect, MFAC meetings became public. Rather than meet in public, MFAC members decided to abolish themselves as an advisory committee to the Mayor and reconstituted themselves as an independent committee. They changed the name to the Municipal Fiscal Advisory Committee (MFAC). Norton contacted the Executive Director of MFAC (both old and new) and asked for records of the old MFAC. She informed him that they were in the Mayor's office. The Mayor's

concerns about or support for the forum. Pilpel commented that he is supportive of the forum but is reluctant to schedule it until we have the materials and know what we're doing. Brugmann commented that August will be difficult, it should be in the fall. Smulyan commented that she does not feel it will be useful to hold a forum until the Task Force has new materials developed that will help departments comply. It is her opinion that most know about the ordinance but find compliance difficult. She pointed out that even the Task Force finds it difficult to comply and has opted not to have any official sub committees so that it does not have to have more public meetings. Basich commented that he does not agree that most people know about the Ordinance. Brugmann commented that San Francisco is the first city to have a Sunshine Ordinance and the issue is how to do it (the forum) and how to get officials there. It should be a short program. A couple of people should speak like Marc Norton, James Chaffee, or Sue Hestor. Pilpel commented that he is hearing from departments that there are practical and technical constraints to their compliance. It is like an unfunded mandate. There seems to be an increasing politicization of records requests. Departments are going to the City Attorney rather than complying with requests. Having a forum doesn't deal with these issues. Watkins questioned what incentive departments have to follow it. Brugmann commented it's not a lot of work to send the records out. Ramirez commented that the purpose is to get city employees to develop a routine to deal with requests. Planthold asked members who have concerns, thoughts, or suggestions to write them down and get them to the Clerk in time to mail them out for the next meeting. Planthold called for Public Comment. Amy Fairweather commented that it is not our problem to make it easy for people to comply, and that if the Sunshine Ordinance is amended remedies should be added. Chaffee commented that it is true that it is difficult to the comply, but that the Brown act was developed in response to felt need. Partanski commented that he likes the idea of having a department head who is comp lying to be a model. The item was continued to the next meeting. Berk left the meeting at 5:41 PM.

Item 8. Annual Report - Review draft text.
Smulyan moved, Watkins seconded approval and transmittal of the Annual Report along with an appropriate cover sheet and letter of transmittal. There was no public comment. Adopted unanimously.

Item 9. Response to public attendance issues raised in Retirement Board's "retreat"/goals meeting.
Taylor reported that Kay Gulbengay had been at the meeting earlier to report that representatives from the Retirement Board will attend the August meeting. There was no public comment. The item was continued to the August meeting.

Item 10. Options for consistent administrative support for the SOTF.
Pilpel commented that in the long term, the Task Force would be best served by being administered by the Ethics Commission. In the present, Dunn is doing a good job. Dunn commented that she had more than a full-time job before taking on the assignment of the SOTF. According to her the difficult part of the job is that it is so different from the other work she is doing, and it is difficult to deal with citizen complaints when she is in the midst of doing something else. She agreed to try to record her time this month to see how long it really takes to staff the committee. There was no public comment.

office has denied that they are there and the City Attorney has ruled that since they couldn't find the records there is nothing else to be done. Norton asked the Task Force whether or not there is an obligation on part of City officials to preserve records. Brugmann suggested that two amendments to the Sunshine Ordinance should be considered: recommending preservation of public records in the Mayor's office and other City departments; and making MFAC and other friends committees subject to the Sunshine Ordinance. Planthold pointed out that these recommendations would have to be listed on a future agenda for consideration by the Task Force. Ramirez suggested that Norton file for an injunction. Pilpel suggested that a letter be sent to Steve Agostini and Teresa Serata asking if they know the whereabout of the records. Ramirez moved, Brugmann seconded a motion to solicit a legal opinion from the City Attorney asking whether or not any government code, such as California Government Code Section 6200, requires public officials to keep records. Planthold called for Public Comment. Mr. Chaffee stated that when he was Chair of the Task Force and the MFAC was being reconstituted, representations were made to the Task Force that upon dissolution the records of the committee would become records of the Mayor's office and be public. Mr. Partanski commented that the action should include clarification of what was received and when it was received. The motion was adopted unanimously. Pilpel moved, Watkins seconded a motion to send a letter of inquiry to Teresa Serata, Steve Agostini, Rudy Nothenberg, and Ed Harrington asking if any of them know of any records from the old MFAC. There was no public comment. The motion passed unanimously. Pilpel offered to draft the letter.

Item 6. Uniform Agenda Guidelines -- Suggestions from Task Force
Pilpel reported that he spoke with Roberta Boomer and that he will be attending the next Commission Secretaries meeting on July 28. They will be discussing agenda guidelines and he will report back at the August meeting. Planthold called for Public Comment. Chaffee reminded members that at the last meeting he had passed out three agendas that did not meet legal requirements. The item was continued to the August meeting.

Public Comment on Items not on the Agenda (5:03 PM)
Mr. Chaffee passed out a memo regarding minutes of a Library Commission meeting that do not appear to meet requirements. The official minutes only reflect the call to order, roll call, adoption of previous minutes, and adjournment. A document titled "Secretary's Supplemental Report" actually provides the minutes of the meeting but does not list any of the public testimony that took place. According to Chaffee, this format has been approved by the City Attorney. He also commented that at yesterday's meeting of the Commission, when they returned from a closed session that included making a recommendation of names for the Mayor to consider for Acting City Librarian, they would not report the names that were recommended. Mr. Partanski gave the Task Force a copy of a new brochure on the Brown Act, by Foley, Lardner, Weissburg, Aronson.

Item 7. Sunshine Forum - Recommendations for content, audience, public outreach, publicity.
Ramirez reported that he had no new information. He did not feel the Task Force had given his committee clear directions as to what was needed. He talked with McQuarters and Basich and they all agreed with their original proposal. Basich commented that he did not see a theme arising from the Task Force comments, as they were reported. Members discussed the proposal and their

Item 11. Setting of the agenda for the next meeting.
- Sunshine forum
- Uniform agenda guidelines
- Retirement board
- follow-up to the sole source surveys, discussion, and continued movement
- issues that arose from the Marc Norton complaint (language for exemption for MFAC, preservation of records, possible sanctions/penalties for Sunshine)

Item 12. Adjournment
Ramirez moved adjournment at 6:02 PM. Adopted unanimously.

Minutes respectfully submitted by Marilyn Hope Smulyan.

CANCELLED NO Docum

Sunshine Ordinance Task Force

City and County of San Francisco

DOCUMENTS DEPT

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

Regular Meeting for August, 1997
August 20, 1997, 4PM

1660 Mission St., Room 2001

1. Roll Call
2. Approval of Minutes
3. Members' Questions & Comments
4. Hearing on Retirement Board and Public Attendance at its meetings.
5. Sunshine Forum--all aspects continued from previous meeting.
6. Sole Source Contract Survey:
   a. Discussion on Results of the two city agencies sampled; and
   b. Next steps:
      1. Modifications to survey, and/or
      2. Suggestions for Changes/Improvements to SF's ordinances and regulations on Contracting.
7. Uniform Agenda Guidelines--continued from previous meeting.
8. Mayor's Fiscal Advisory Committee--Archival Records Storage & Responsibility:
   a) Follow-up report by Dep. City Attorney, and
   b) Action on further follow-up by SOTF.
9. Options for Consistent Administrative Support.
10. Setting of Agenda Items for next Meeting.
11. Adjournment.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA. (This will be the first new item of business considered after 5:00pm. There will also be an opportunity for members of the public to speak to each Agenda item.)

401 Van Ness Avenue, Room 402 - San Francisco CA 94102
(415) 554 - 4851 - (415) 554 - 4849 Fax

Sunshine Ordinance Task Force

City and County of San Francisco

15 Sept., '97

MEETING NOTICE -- CANCELLATION

The regular monthly meeting for the Sunshine Ordinance Task Force for the month of September (17 September) has been cancelled.

Everyone will be properly notified when next we meet.

Our next regular monthly meeting will be Wednesday, 15 October, at the usual meeting time and place (4 PM, 1660 Mission, Room 2001).

We apologize for the inconvenience.

Sincerely,

Robert R. Planthold

Robert R. Planthold, Chair

DOCUMENTS DEPT.

SEP 16 1997

SAN FRANCISCO
PUBLIC LIBRARY

401 Van Ness Ave., Room 402 ., San Francisco CA 94102
Tel. (415) 554-4851; Fax (415) 554-4849

Sunshine Ordinance Task Force

City and County of San Francisco

SPECIAL Meeting for SEPTEMBER 1997

SEPT. 24, 1997, 4PM

DOCUMENTS DEPT.

SEP 18 1997

SAN FRANCISCO
PUBLIC LIBRARY

1660 Mission St., Room 2001

1. Roll Call
1A. ELECTION of INTERIM SECRETARY
2. Approval of Minutes
3. Members' Questions & Comments
4. Hearing on Retirement Board and Public Attendance at its meetings.
5. Sunshine Forum--all aspects continued from previous meeting.
6. Sole Source Contract Survey:
   a. Discussion on Results of the two city agencies sampled; and
   b. Next steps:
      1. Modifications to survey, and/or
      2. Suggestions for Changes/Improvements to SF's ordinances and regulations on Contracting.
7. Uniform Agenda Guidelines--continued from previous meeting.
8. Mayor's Fiscal Advisory Committee--Archival Records Storage & Responsibility:
   a) Follow-up report by Dep. City Attorney, and
   b) Action on further follow-up by SOTF.
9. Options for Consistent Administrative Support.
10. Setting of Agenda Items for next Meeting.
11. Adjournment.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA. (This will be the first new item of business considered after 5:00pm. There will also be an opportunity for members of the public to speak to each Agenda item.)

401 Van Ness Avenue, Room 402 - San Francisco CA 94102
(415) 554 - 4851 - (415) 554 - 4849 Fax

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554–4852.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J–Church, L–Taraval, K–Ingleside, M–Ocean View and N–Judah. The 14–Mission, 14–Mission–Limited, and 42–Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415 923–6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 415–558–6164 at least 72 hours in advance of the meeting.

SUNSHINE ORDINANCE TASK FORCE

September 24, 1997

The Minutes of this meeting are missing.

San Francisco Public Library
Government Information Center

Sunshine Ordinance Task Force

City and County of San Francisco

DOCUMENTS DEPT.

OCT 0 9 1997

SAN FRANCISCO
PUBLIC LIBRARY

Regular Meeting for October, 1997

October 15, 1997 4PM

1660 Mission St., Room 2001

1. Roll Call
2. Approval of Minutes
3. Members' Questions & Comments
4. Presentation on Commission Minutes and Formats (will bring materials) Mike Housche, Secretary of Library Commission
5. Citizens Resolution for easy computerized access to the status of Board of Supervisors' legislation (presentation requested)
6. How to make advisory bodies (such as the new MFAC, Mayor's Disability Council, Mayor's Taxi Task Force, et al) subject to the full scope of jurisdiction amd public access guaranteed by the Sunshine Ordinance.
7. Setting of Agenda Items for Next Meeting
8. Adjournment

***PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA--This will be the first new item of business considered after 5:oo PM. There will also be opportunity for members of the public to speak to each Agenda item.

401 Van Ness Avenue, Room 402 - San Francisco CA 94102

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554–4852.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J–Church, L–Taraval, K–Ingleside, M–Ocean View and N–Judah. The 14–Mission, 14–Mission–Limited, and 42–Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415 923–6142 Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 415–558–6164 at least 72 hours in advance of the meeting.

DOCUMENTS DEPT

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, October 15, 1997

Please note: all actions that were adopted by the Task Force are underlined.

The monthly meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, at 4:21 PM, on Wednesday, October 15, 1997.

Item 1. Roll Call
Members present: Bruce Brugmann, Rula Graffis, David Pilpel (4:25), Robert Planthold, Nancy Sutley, Timothy Taylor, David Watkins
Ex-officio members present: Lori Giorgi, John Taylor
Members absent: Zoran Basich, Charlotte Berk, Enrique Ramirez
Others absent: Georgia Dunn

Item 2. Approval of Minutes
There was no Task Force discussion or public comment. Adopted unanimously.

Item 3. Members' Questions and Comments
Planthold introduced two new members of the Task Force - Rula Graffis and Timothy Taylor. Planthold called the Task Force's attention to an article in the San Francisco Independent relating to lack of disclosure of cash bonuses to certain city employees.

Item 4. Presentation on Commission Minutes and Formats - Mike Housh, Secretary of Library Commission

Mike Housh, Secretary of the Library Commission commented that official minutes of bodies are records of all actions of that body. Housh handed out examples of minutes from the Library Commission, the Human Services Commission and the Health Commission. Housh expressed that the Library Commission minutes were exhaustive in recording public comment but were not intended to record public comment verbatim. Planthold expressed concern about minutes of closed sessions. Housh pointed out that the Library Commission does not take actions in closed sessions if they are not followed with a roll call vote in an open session. Pilpel expressed concern about addenda to minutes. In October, the Library Commission adopted a policy to allow supplemental comments in the Commission file, but to discontinue the practice of supplemental minutes. Housh suggested that the Task Force working with the City Attorney could give city departments and commissions guidance on complying with the Sunshine Ordinance. Brugmann suggested that the Task Force discuss developing model minutes. Planthold called for public comment. Chafee commented that the Sunshine Ordinance was not being implemented as intended. Warfield commented that minutes should be a record of meetings and give ample descriptions of public comment. Planthold noted that Task Force could consider the issue of

public comment in its discussion about model minutes.

Item 3. Members' Questions and Comments (Revisited)

Planthold reopened Item 3. Giorgi discussed followup questions on records retention from last month's discussion on the Mayor's Fiscal Advisory Committee (MFAC). Giorgi stated that MFAC's secretary was not employed by the city and that MFAC occasionally produced reports that were sent to the Mayor. City employees contacted by Giorgi said they had no records from MFAC. Giorgi's analysis of MFAC's structure and definition suggests that MFAC was not subject to disclosure or retention requirement. Pilpel asked about ambiguity in the Sunshine Ordinance regarding immediate disclosure requests. Giorgi offered to help draft legislation to clarify any ambiguity.

Public Comment on Items Not on the Agenda (5:05)

Norton asked Giorgi about the analysis of MFAC. Giorgi stated that MFAC does not meet the definition of a "legislative body" for purposes of the state statute. Giorgi also noted that without any records in the Mayor's office, she could not determine whether any records were subject to record retention requirements. Warfield asked about the Task Force's complaint procedures. Planthold stated that there is a complaint form. Once a complaint is filed, the Clerk of the Task Force contacts the agency. A complaint can be referred to the City Attorney or to the Task Force for a hearing. Warfield asked whether gifts were subject to similar disclosure requirements as contracts. John Taylor noted that if the gift involved cash to be spent for a specific purpose, that would be subject to disclosure and if a gift involves on-going costs to the City, it is referred to the Board of Supervisors.

Item 5. Citizens Resolution for Easy Computerized Access to the Status of Board of Supervisors' Legislation

Larry Saxon from Supervisor Ammiano's Office discussed a proposal by Supervisor Ammiano to ask the Clerk of the Board to look into acquiring computer terminals for public access to the status of legislation and legislative histories. Pilpel asked about putting a legislative tracking system on the City's Web site. Brugmann stated that the system should include a record of final votes and offered to have the Task Force review development of the computer system. John Taylor noted that Clerk's office was upgrading its computer system and computerized access to Board materials, including legislation and asked if the Task Force wanted to look at the specifications. Pilpel asked that the Clerk of the Board make a presentation to the Task Force on the computer upgrades. Pilpel offered and Graffis seconded a motion to support Supervisor Ammiano's resolution. The motion was approved.

Item 6. How to Make Advisory Bodies Subject to the Full Scope and Jurisdiction and Public Access Guaranteed by the Sunshine Ordinance

Planthold gave a number of examples of new "advisory" bodies that did seem to have authority or legislative purpose but are not operating under principles of open government. Brugmann offered and Tim Taylor seconded a resolution to ask the City Attorney to develop categories of advisory committees, "Friends of" groups and councils and to draft an amendment to the Sunshine Ordinance to put all the categories under the Ordinance. John Taylor noted that it might be difficult to draw the line between purely private groups and these "advisory" bodies. Sutley noted that more information about these committee and their function would be helpful in developing criteria to subject bodies to the Sunshine Ordinance. Pilpel agreed it would be helpful to have a list of advisory bodies. Brugmann stated that a definition of categories might include groups that give advice to the city, have some city standing and how close they are to the city. Sutley suggested looking at the Federal Advisory Committee Act as an example. Brugmann withdrew the second part of the resolution and Planthold suggested instead asking the City Attorney to develop categories of advisory bodies that are covered by the Sunshine Ordinance and those that are not and to suggest ways to include those that are not under the Sunshine Ordinance. Planthold asked for public comment. Chafee gave the example of the Library's MOU with the Library Foundation for "facilities management." Norton suggested abolishing the distinction in the Ordinance between passive bodies and legislative bodies and that he continues to feel that bodies such as MFAC are already subject to the Ordinance. Warfield commented that the Task Force identify the function and activities of bodies, as well as their impact on city agencies in developing the categories. John Taylor commented that records in the hands of public officials are public records. Motion approved.

Item 7. Setting of Agenda

-- Asking the Deputy City Attorney to follow up on the resolution item 6.
-- Continuing the MFAC discussion and requesting records.
-- Receiving a briefing on the Board of Supervisors' computer upgrade plan, but not for the November meeting.
-- Discussing further the idea of a joint task force for model minutes and handbook for commission secretaries.
-- Discussing the issue of whether bonuses for certain City officials are subject to public review.

Item 8. Adjournment

Graffis moved and Brugmann seconded adjournment at 6:20 pm. The motion was approved.

Sunshine Ordinance Task Force

City and County of San Francisco

11/19/97

Regular Meeting for November, 1997

November 19, 1997, 4 PM

1660 Mission St., Room 2001

DOCUMENTS DEPT.
NOV 20 1997
SAN FRANCISCO
PUBLIC LIBRARY

1. Roll Call
2. Approval of Minutes
3. Members' Questions & Comments
4. Bd. of Supes. Legis. Tracking System--Features --Presentation by Marie McKechnie, Dep. Clerk (See Attachment)
5. Update on clarifying applicability of state & local "open meeting/public records" laws to newly-formed advisory bodies
6. Status of Sunshine Amendment to make available to the Public the names & scoring/rating papers of those who evaluate competitively-bid contracts
7. Sole Source Contract Survey--review of initial departmental questions and interim response
8. Setting of Agenda Items for next Meeting
9. Adjournment

*** PUBLIC COMMENTS ON ITEMS NOT APPEARING ON TODAY'S AGENDA. (This will be the first new item of business considered after 5:00 pm. There will also be an opportunity for members of the public to speak to each Agenda item.)

401 Van Ness Avenue, Room 402 - San Francisco CA 94102
(415) 554 - 4851 - (415) 554 - 4849 Fax

****

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554-4852.

****

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J Church, L-Taraval, K-Ingleside, M-Ocean View and N-Judah. The 14-Mission, 14-Mission-Limited, and 42-Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415 923-6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 415-558-6164 at least 72 hours in advance of the meeting.

DOCUMENTS DEPT.

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, November 19, 1997

Please note: all actions that were adopted by the Task Force are underlined.

The monthly meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, at 4:23 PM, on Wednesday, November 19, 1997. Vice Chair Pilpel volunteered to take minutes. The Task Force agreed to dispense with recording the meeting if a tape recorder could not be located.

Item 1. Roll Call
Members present: Charlotte Berk, Bruce Brugmann,, David Pilpel, Robert Planthold, Enrique Ramirez, Timothy Taylor, David Watkins, Nicole Wong
Ex-officio members present: Georgia Dunn, Lori Giorgi
Members absent: Zoran Basich, Rula Graffis, Nancy Sutley

Item 2. Approval of Minutes

Ramirez offered and Brugmann seconded a motion to approve the minutes of the October 15, 1997 meeting. The motion was approved.

Item 3. Members' Questions and Comments

None.

Item 4. Board of Supervisors' Legislative Tracking System – Features – Presentation by Marie McKechnie, Deputy Clerk

Deputy Clerk of the Board of Supervisors Marie McKechnie described the current system in place and plans for a new system for legislative tracking. She stated that the new system would be similar to that used by other counties and would include many features not currently easily available, including voting and attendance records, department referral status and search capabilities. The system will create reports to meet particular legislative or research needs. It is not clear if all the information would be available on the Internet. Ms. McKechnie asked for input. Pilpel suggested that the system include marked committee and Board calendars, referrals, copies of correspondence received, city codes, appointments to Boards and Commissions and e-mail connections to the Board of Supervisors. Brugmann asked how soon Board votes will be accessible through the system. McKechnie replied that a public workstation will be provided in City Hall when it is reopened and that the goal is to have the new system in place by September 1998. Planthold asked how decisions were being made. McKechnie replied that the Clerk's office talked to other cities and counties, vendors and the City information systems staff.

Committee was established by a Memorandum of Understanding (MOU) with the Municipal Executives' Association and reviews employees' performances and sets performance goals for city executives. The operation of the Committee was reviewed. The Committee members are: the Director of Human Resources, a representative of the Mayor, a representative from the Board of Supervisors, the Director of Finance and a member of the public selected by the others. Meetings are public. Pilpel asked about applicability of the Brown Act. Brugmann expressed concern that the Committee should be open. Planthold noted that the program is authorized by legislation and that evaluations are generally already closed as personnel matters. Jenkins noted that the MOU changed the performance review criteria but that such matters had previously been closed. Pilpel asked Giorgi to review other committees authorized by MOUs. Planthold and Pilpel asked about closed session notices. Jenkins and Giorgi agreed to review closed session notices. Planthold asked for public comment. Chafee commented that under the Brown Act, compensation cannot be discussed in closed session. John Taylor noted that the Committee will be discussing individual goals and performance, not compensation and that opening up such discussions will reduce the frankness of employee evaluations. Brugmann and Watkins discussed the need for more openness. Brugmann offered and Graffis seconded a motion to oppose the proposed amendment while providing for closed sessions to discuss employee performance. The motion failed. Brugmann offered and Watkins seconded a motion to send a letter to the Board of Supervisors relating the Task Force's discussions and viewpoints. The motion passed.

Public Comment on Items Not on the Agenda (5:35)

There was no public comment.

Item 5. Possible Amendments to the Sunshine Ordinance (continued)

a) Make available to the public the names and scoring/rating papers of those who make evaluations of competitively-bid contracts. (Ammiano)
Planthold reported that the item had been referred again to committee but the hearing date was uncertain.

b) Extending jurisdiction to non-profits/community based organizations for their programs that receive city funds. (Ammiano)
Planthold reported that this amendment had been introduced and referred to the Finance Committee. Pilpel requested that a copy be sent to the Task Force and discussed at the next meeting. Brugmann asked that a representative from Supervisor Ammiano's office attend the next meeting and that the Task Force take a position on the legislation.

c) Conformity with amendments to the Brown Act.
Planthold reported that there is a memo on the topic that will be distributed at the next meeting.

Planthold asked for public comment on item 5. Mike Nicosen, from the Friends of Recreation and Parks discussed the applicability of the Sunshine Ordinance to that organization. Upon review, Friends of Recreation and Parks is not subject to the Brown Act or the Sunshine Ordinance

because it is not a policy body. The group works closely with the Department of Recreation and Parks and the Recreation and Parks Commission. The public can find out about the group's activities by attending Recreation and Parks Commission meetings. Berk asked whether any city funds were received. Nicosen said no. Graffis asked if the group makes recommendations about specific parks. Nicosen said no. Nicosen said the group attempts to bridge the gaps between city funds and project needs and that lists of contributors are available.

Item 6. Legitimacy of advance deposits as a requirement for ordering/obtaining copies of public documents (Department of Building Inspections)

Continued to the next meeting.

Item 7.. Response to Sole Source Contact Survey

Survey results were handed out.

Item 8. Setting Future Agenda

-- Consider survey of "Friends of" groups and similar entities
-- Update legislation
-- Discuss staffing

Item 9. Adjournment

The task force adjourned at 5:45 pm.

Sunshine Ordinance Task Force

City and County of San Francisco

DOCUMENTS
DEC 19
SAN FRANCISCO
PUBLIC LIB...

December Meeting

17 December, 1997, 4 PM 1660 Mission St., Room 2001

Agenda

1) Roll Call

2) Approval of Minutes

3) Report of the Clerk

4) Members' Questions & Comments

5) Possible Amendments to the Sunshine Ordinance

   a) Make Available to the public the names & scoring/rating papers of those who make evaluations of competitively-bid contracts (Supe. Ammiano)

   b) Extending jurisdiction to non-profits/community-based organizations for their programs that receive city funds (Supe. Ammiano)

   c) Regarding the possible program of performance-baes compensation for certain levels of managers in city departments (Comtroller)

   d) Conformity with amendments to the Brown Act (Cf. attached memo from City Attorney's Office)

6) Legitimacy of advance deposits as a requirement for ordering/obtaining copies of public documents (Dep't. of Bldg. Inspection)

7) Responses to Sole Source Contract Survey

8) Setting of future agenda

9)Adjourn

401 Van Ness Avenue • Room 402 • Sa.. Francisco CA 94102
(415) 554 - 4851 Fax (415) 554 - 4849

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that their deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE AT (415) 554–4852.

ACCESSIBLE MEETING INFORMATION

The nearest BART stop is the 16th Street Station. Accessible Muni lines are the J–Church, L–Taraval, K–Ingleside, M–Ocean View and N–Judah. The 14–Mission, 14–Mission–Limited, and 42–Downtown Loop run nearby. The 9, 26, 66 and 71 run on Market Street, two blocks away. Samtrans 5M, 7B and 7F run nearby. For more information about Muni accessible lines, call 415 923–6142. Accessible parking is available at 1660 Mission with entrance on Otis Street. Accessible seating for persons with disabilities, including those using wheelchairs, will be available. A sound enhancement system or sign language interpreter will be available upon request by contacting Maria Benito at 415–558–6164 at least 72 hours in advance of the meeting.

DOCUMENTS DEPT.

MAR 2 2 2002

SAN FRANCISCO
PUBLIC LIBRARY

DRAFT
SUNSHINE ORDINANCE TASK FORCE
MINUTES OF MEETING
Wednesday, December 17, 1997

Please note: all actions that were adopted by the Task Force are underlined.

The monthly meeting of the Sunshine Ordinance Task Force was called to order by Chair Robert Planthold, at 4:18 PM, on Wednesday, December 17, 1997. Wong offered and Berk seconded a motion to dispense with recording the meeting because no tapes were available. The motion passed.

Item 1. Roll Call
Members present: Charlotte Berk, Bruce Brugmann, Rula Graffis, David Pilpel, Robert Planthold, David Watkins, Nicole Wong
Ex-officio members present: John Taylor, Lori Giorgi
Members absent: Zoran Basich, Enrique Ramirez, Nancy Sutley, Timothy Taylor

Item 2. Approval of Minutes

The minutes for the November were not available and this item will be deferred.

Item 3. Report of the Clerk

Planthold reported that no new clerk had been assigned to the Task Force. Planthold and Pilpel will follow-up with Steve Nelson on staff support

Item 4. Members' Questions and Comments

Planthold noted the omission of a General Public Comment notice on the agenda. Watkins noted the need to assure that future meetings would be taped. Wong and Graffis stated that they did not receive the mailing for the meeting and that the mailing list should be checked. Wong stated that she had been contacted by a member of the public regarding contracting documents from the Airport and advised that person to write to the Airport and copy the Task Force. Pilpel asked whether the Mayor's special fund was subject to the Sunshine Ordinance. Berk expressed disappointment that the Task Force was not funded.

Item 5. Possible Amendments to the Sunshine Ordinance
c) Regarding the possible program of performance based compensation for certain levels of managers in city departments. (Controller)

Ann Jenkins of the Controller's office and staff to the Executive Compensation Committee discussed the Committee and rationale for an exemption to the Sunshine Ordinance. The

Committee was established by a Memorandum of Understanding (MOU) with the Municipal Executives' Association and reviews employees' performances and sets performance goals for city executives. The operation of the Committee was reviewed. The Committee members are: the Director of Human Resources, a representative of the Mayor, a representative from the Board of Supervisors, the Director of Finance and a member of the public selected by the others. Meetings are public. Pilpel asked about applicability of the Brown Act. Brugmann expressed concern that the Committee should be open. Planthold noted that the program is authorized by legislation and that evaluations are generally already closed as personnel matters. Jenkins noted that the MOU changed the performance review criteria but that such matters had previously been closed. Pilpel asked Giorgi to review other committees authorized by MOUs. Planthold and Pilpel asked about closed session notices. Jenkins and Giorgi agreed to review closed session notices. Planthold asked for public comment. Chafee commented that under the Brown Act, compensation cannot be discussed in closed session. John Taylor noted that the Committee will be discussing individual goals and performance, not compensation and that opening up such discussions will reduce the frankness of employee evaluations. Brugmann and Watkins discussed the need for more openness. Brugmann offered and Graffis seconded a motion to oppose the proposed amendment while providing for closed sessions to discuss employee performance. The motion failed. Brugmann offered and Watkins seconded a motion to send a letter to the Board of Supervisors relating the Task Force's discussions and viewpoints. The motion passed.

Public Comment on Items Not on the Agenda (5:35)

There was no public comment.

Item 5. Possible Amendments to the Sunshine Ordinance (continued)

a) Make available to the public the names and scoring/rating papers of those who make evaluations of competitively-bid contracts. (Ammiano)

Planthold reported that the item had been referred again to committee but the hearing date was uncertain.

b) Extending jurisdiction to non-profits/community based organizations for their programs that receive city funds. (Ammiano)

Planthold reported that this amendment had been introduced and referred to the Finance Committee. Pilpel requested that a copy be sent to the Task Force and discussed at the next meeting. Brugmann asked that a representative from Supervisor Ammiano's office attend the next meeting and that the Task Force take a position on the legislation.

c) Conformity with amendments to the Brown Act.

Planthold reported that there is a memo on the topic that will be distributed at the next meeting.

Planthold asked for public comment on item 5. Mike Nicosen, from the Friends of Recreation and Parks discussed the applicability of the Sunshine Ordinance to that organization. Upon review, Friends of Recreation and Parks is not subject to the Brown Act or the Sunshine Ordinance

because it is not a policy body. The group works closely with the Department of Recreation and Parks and the Recreation and Parks Commission. The public can find out about the group's activities by attending Recreation and Parks Commission meetings. Berk asked whether any city funds were received. Nicosen said no. Graffis asked if the group makes recommendations about specific parks. Nicosen said no. Nicosen said the group attempts to bridge the gaps between city funds and project needs and that lists of contributors are available.

Item 6. Legitimacy of advance deposits as a requirement for ordering/obtaining copies of public documents (Department of Building Inspections)

Continued to the next meeting.

Item 7.. Response to Sole Source Contact Survey

Survey results were handed out.

Item 8. Setting Future Agenda

-- Consider survey of "Friends of" groups and similar entities
-- Update legislation
-- Discuss staffing

Item 9. Adjournment

The task force adjourned at 5:45 pm.